



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

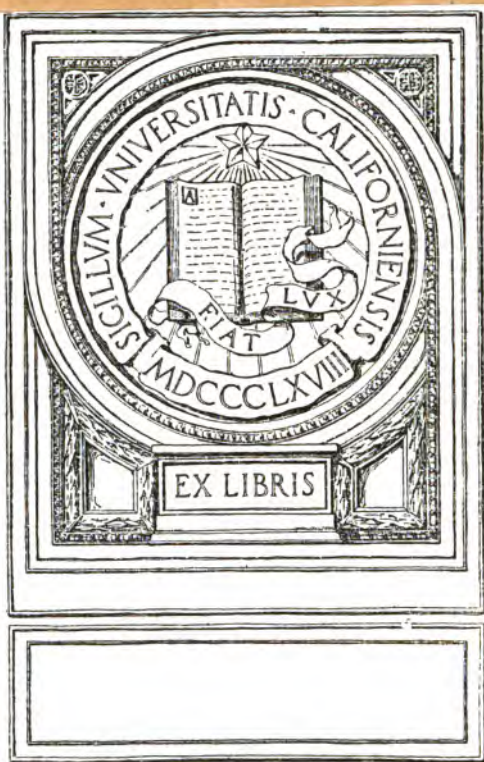
Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

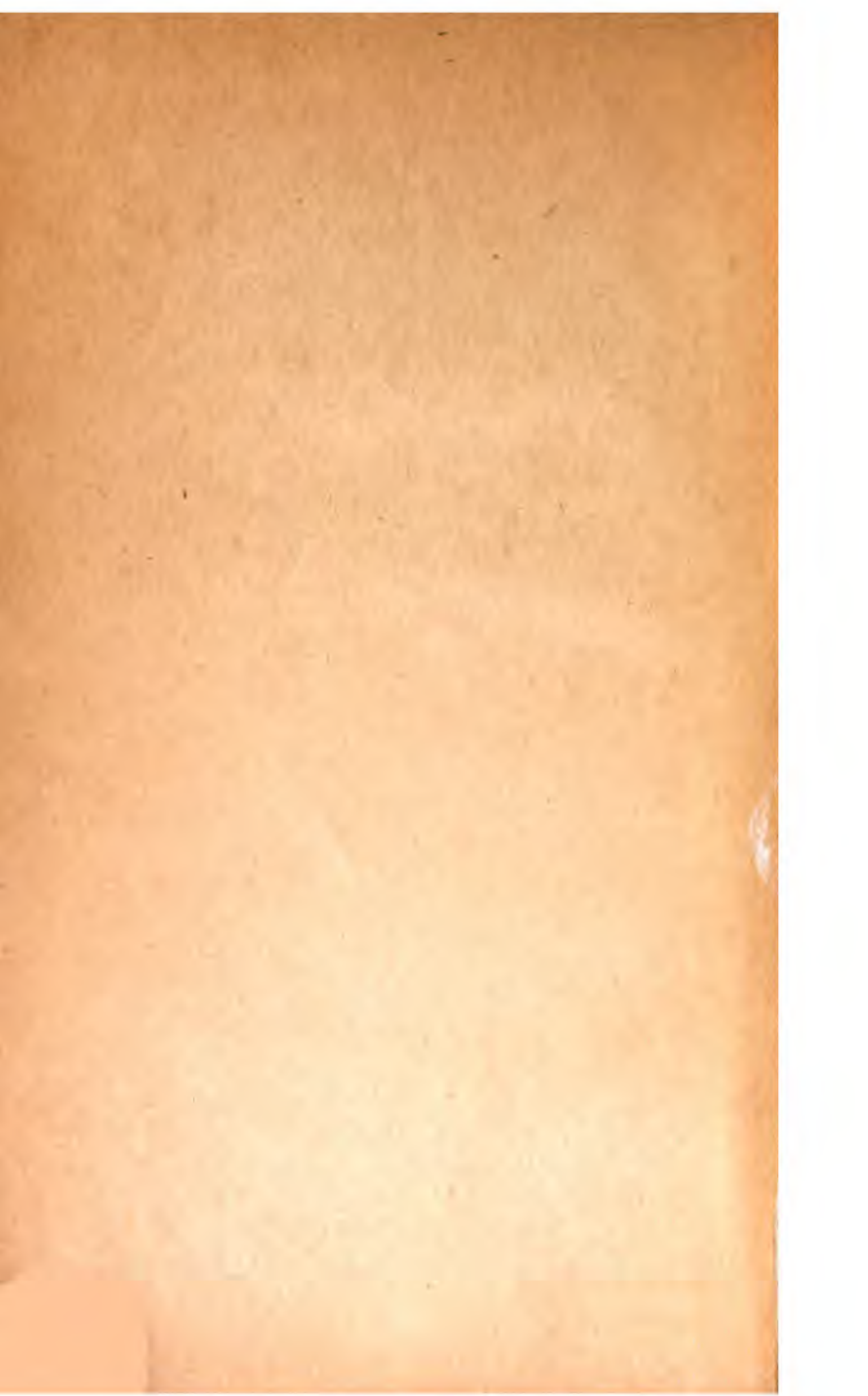
About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

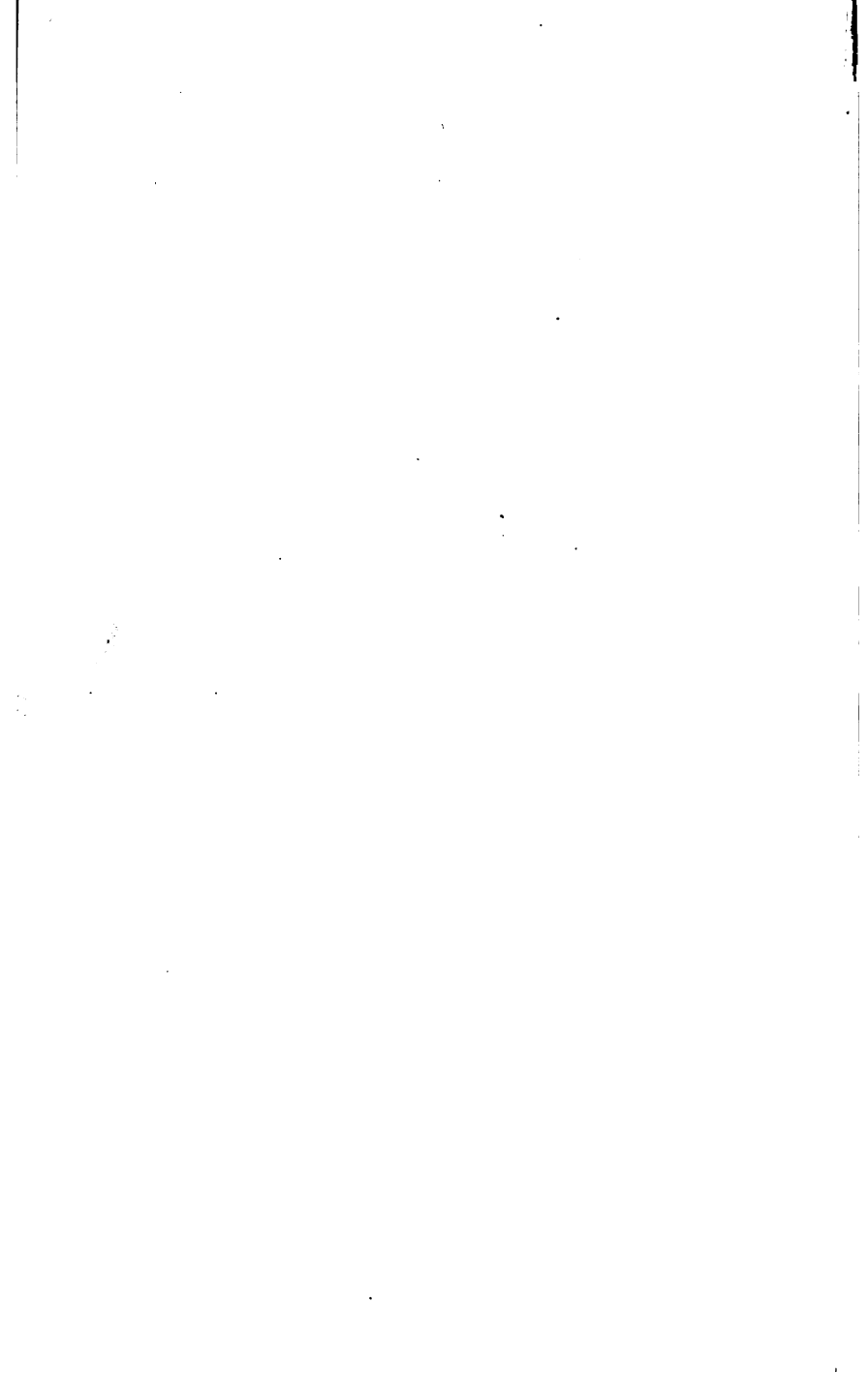


EX LIBRIS









• EARLY AUSTRALIAN HISTORY. •



CONVICT LIFE

IN

New South Wales and Van Diemen's Land.

PARTS I & II.

THE STORY OF THE TEN GOVERNORS,

AND

THE STORY OF THE CONVICTS.

By CHARLES WHITE.

BATHURST:

C. & G. S. WHITE, "FREE PRESS" OFFICE, GEORGE STREET.

1889.

10-17

05

280032

MARSHALL BROTHERS,

DENTISTS,

ONLY ADDRESS:—

141, ELIZABETH STREET,

NEAR MARKET STREET.

Established Years before any others of the
same name in the Colony.

ARTIFICIAL TEETH FITTED WITHOUT EXTRACTION
OF ROOTS.

NITROUS OXIDE GAS

ADMINISTERED DAILY FOR EXTRACTING TEETH PAINLESSLY.

Remember! Our Only Address is

141, Elizabeth Street,

NEAR MARKET STREET,

S Y D N E Y.

Early Australian History.

[COPYRIGHT.]

A Series of Historical Sketches, bearing upon Australian Colonization and Convict Life in New South Wales and Van Dieman's Land.

INTRODUCTORY.

NOW strangely the links fit in! Little did the British Government think when issuing the orders in Council in 1786 for establishing a Convict Settlement in New South Wales, that they were taking the initial steps towards founding a "New Britannia in the Southern World." Yet so it was. If the American War of Independence had not closed the plantations of Virginia against the reception of transported offenders, and cast upon the British Government the duty of fixing upon some other place to which they might send some of the prisoners who then filled the gaols of Great Britain to overflowing, the wonderful land of which Captain Cook had spoken as having been discovered by him, and concerning which the interest of the English people had been considerably excited at the time his narratives were published—the land which now ranks as one of the richest, most populous, and most progressive of the British dependencies—might to this day have remained in the possession of the aborigines; producing nothing, promising

nothing; locked up from civilization and all its blessings (and curses), and unknown save to the few thousands of blacks who might from year to year inhabit it. And what, then, would the world have lost—what, then, should we who live in it have lost?

Pessimists, time and again, have raised a lachrymose wail about the "stain" which must always rest on the colony through the criminality of its early life; but these men can never see anything but the evil, and even that evil they would intensify for the sake of making their wailing more mournful. 'Tis true that the beginning was in some measure bad, but that bad beginning was better than no beginning at all; and, fresh from long and deep research among old records, I am bold to declare that the earlier convicts were not the worst criminals who came out to the colony, and that some of the darker and bloodier stains which deface the first pages of the colony's history were made by men who counted the poor chained wretches under them as worse than the offal in a charnel-house—men who came out free, who lived freely, lied and robbed and murdered freely, and who literally fattened on the blood of other mortals a thousand times better than themselves, although those mortals had been banished from their fatherland in chains. The facts in proof of this assertion will appear in proper order; at present we must deal with events that transpired before either bond or free from Britain's shores placed foot upon Australian land for the purpose of making it their home.

Great Britain had had experience of transport colonization before ever Australia was thought of. For upwards of a century and a half, historians tell us, great numbers of convicts were annually sent across the Atlantic to American plantations, most of them being sold to the planters for a term of

years or for life, and from this source, for a considerable period, England is said to have derived a revenue as large at times as £40,000 a year, the convicts being sold to the planters at an average of £20 each. But here, also, out of evil good arose. Virginia, one of England's earliest and most successful attempts at colonization, is a remarkable instance of prosperity outflowing from beginnings of the darkest moral shade. In the case of Australia, the conditions were different, but the elements were the same, and now that the old order has changed, giving place to the new, we, from the midst of the free, beneficent and flourishing institutions now existing—from surroundings of the most favorable character—from conditions of private, social and public life of which any nation might be proud—look out upon the fast-fading picture of the past, and marvel exceedingly at the change.

“Read me anything but history,” said Walpole; “that is sure to be false.” And a good many in Australia living at the present day would give not a little of their possessions to be able to create a general distaste for and hatred of colonial history, and to induce those who cared to read that history to believe that it was false. They fear the record because of its truth, and because they have reason to know that in this case “truth is stranger than fiction.” And I purpose giving only such facts, in this somewhat irregular narrative, as can be vouched for either by living witnesses or by written (some very badly written) official records. The reader can, of course, if he choose, keep in view the maxim of Epicharmus—“Be discreet, and bethink thee to be mistrustful, to disbelieve rather than otherwise;” but neither doubt nor distrust on the reader's part will render less true the records—some of which are written in ineffaceable letters of blood.

PART I.



The Story of the Ten Governors.



CHAPTER I.—GOVERNOR PHILLIP—1787 to 1792.

FIRST SIGHT OF THE ABORIGINES—THE LANDING—REGULAR FORM OF GOVERNMENT ESTABLISHED—A COMPARISON—FIRST LIVE STOCK STATISTICS—UNLIMITED GUBERNATORIAL POWERS—PROGRESS OF CULTIVATION—TROUBLESOME CONVICTS—TROUBLES WITH THE BLACKS—STARVATION TIMES—STRINGENT REGULATIONS—THE LASH AND THE GALLOWES—FIRST GRANT OF LAND—FIRST SETTLERS—FIRST FREED CONVICTS—HIGH PRICES—MORTALITY TABLES—"TRUE PATRIOTS WE"—FIRST ATTEMPT TO PIERCE THE BLUE MOUNTAINS.

IT was early in the year 1787 that a fleet of eleven sail could be seen rendezvousing off the Isle of Wight, the names of the vessels being the *Sirius*, frigate; the *Supply*, armed tender; the *Golden Grove*, *Fishburn*, and *Barrowdale*, storeships; and the *Scarborough*, *Lady Penrhyn*, *Friendship*, *Charlotte*, *Prince of Wales*, and *Alexander*, transports. On board were Captain Arthur Phillip, styled Governor and Commander-in-Chief of New South Wales,

with other inferior officers—a Lieutenant-Governor, a chaplain, a commissary, judge advocate, surgeon, adjutant, quarter-master, two assistant surgeons and an agent for transports; a garrison of 200 marines, fully officered; 200 soldiers, forty of whom were allowed to take their wives and families; 81 other free persons and 696 convicts—making a total of 1044 persons. Of this number 1030 were safely landed in the colony in January, 1788, having been eight months on the water. Of the number landed about 300 were females, twenty-eight being wives of the military, and 192 convicts. It must not be supposed that these male and female convicts were criminals of the deepest die, for they were mostly young persons from the agricultural districts of England, and out of the whole 696, only 55 were sentenced for longer periods than seven years, and the sentences of a large number would expire within two or three years after their landing. The laws of England a century ago, and their administration, were very different from what they are now, and large numbers of those who crowded the gaols, and were sent from the gaols across the water to the new land, had never been accused of anything worse than poaching or smuggling, while many of them were suffering for political offences which in later days made statesmen, and crowned the “transgressors” with imperishable glory. That there were some very bad men and women in the first batch, and in the batches that followed in their wake, is true; but the number was proportionately small, and their influence for evil was necessarily contracted.

The first ship of the fleet, the Supply, with the Governor on board, anchored in Botany Bay on 18th January, 1788, and was closely followed by the other ships. Concerning the landing we find the following record in the history of

Governor Phillip's voyage, published in the following year :—

"At the very first landing of Governor Phillip on the shore of Botany Bay, January 18th, 1788, an interview with the natives took place. They were all armed, but on seeing the Governor approach with signs of friendship, alone and unarmed, they readily returned his confidence by laying down their weapons. They were perfectly devoid of clothing, yet seemed fond of ornaments, putting the beads and red baize that were given them on their heads and necks, and appearing pleased to wear them. The presents offered by their new visitors were all readily accepted, nor did any kind of disagreement arise while the ships remained in Botany Bay." Well would it have been for the aborigines if Governor Phillip's spirit had animated all those who in after years, during the succeeding efforts of colonization and settlement, were brought into contact with them. Some of the facts detailed later on will prove that, in the fullest sense of the term, civilization to the blacks meant nothing more nor less than physical and moral ruin, and that in the sound of the first gun fired from a British piece on Australian soil the original occupants of that soil heard their death knell.

The story of the first landing of Governor Phillip's mixed party, and the subsequent removal of the settlement from Botany Bay to Port Jackson, whose harbour, from its sheltered position, deep water, and almost immeasurable bays and bold headlands, was seen to be the most desirable haven that anyone could wish, must be familiar to the reader; as also must be the formalities observed by the Governor on January 26th, 1788, in taking possession of the land—hoisting British colors on a flagstaff erected on the site now occupied by Dawes' Battery, drinking the King's health around the pole amid much excitement and cheering, while the blacks saw and

heard from a distance the wonderful sights and sounds, little dreaming that the company of white-faced mortals upon whom they gazed would in so short a space of time push them off the land which Nature had given them to possess.

The work of clearing a sufficient space for tents and stores on the shores of Sydney Cove occupied about a fortnight, and this done, the work of establishing a regular form of Government was carried out in a very solemn manner by the Governor. The military was drawn up under arms, the prisoners stationed apart, and the Royal Commission and the Acts of Parliament authorising the establishment of the Courts of Judicature having been read by the Judge-Advocate, a volley was fired, and his Excellency delivered an address to the convicts. He reminded them that they were now so placed that by industry and good behaviour they might soon regain the advantages which they had forfeited, and promised that every assistance should be rendered them in their efforts to reach the position which they had lost by their offences; but he told them plainly that no mercy would be shewn to offenders against the law. He advised those of the convicts who were in a position to do so to marry, holding out to them promises of assistance; and he closed his address by declaring his earnest desire to promote the wellbeing of all who had been placed under his control, and his determination, with the help of God, to render the colonization of the new land advantageous and honorable to the colony.

Speaking of this time, Collins, one of the earliest writers on the colonization of New South Wales, says: "The confusion that ensued will not be wondered at when it is considered that every man stepped from a boat literally into a wood. Parties of people were everywhere heard and seen variously employed; some in clearing ground for the different

encampments, others in pitching tents or bringing up such stores as were more immediately wanted ; and the spot which had so recently been the abode of silence and tranquility was now changed to that of noise, clamour and confusion ; but after a time order gradually prevailed everywhere. As the woods were opened and the ground cleared, the various encampments were extended, and all wore the appearance of regularity." Let anyone now mix with the thousands of hurrying, bustling mortals, of every age and color and clime, who daily come and go to the water's edge where this landing took place, and as he gazes across the crowded harbour or turns back to pass through the mazes of buildings and the ever-thickening stream of people in the city of Sydney and the adjacent suburbs, the one great surprise of his life will be the marvellous change which has taken place in the short space of a hundred years.

Four months after the first landing—in May, 1788—the Governor directed every person in the Settlement to make a return of what live stock was in his possession, and this was the full record :—1 horse, 3 mares, 3 colts, 2 bulls, 5 cows, 29 sheep, 19 goats, 49 hogs, 29 pigs, 5 rabbits, 18 turkeys, 29 geese, 35 ducks, 122 fowls, and 89 chickens. And only this from which the supply of fresh meat for more than a thousand persons was to be drawn ! From this small stock, in the following month, the two bulls and four of the five cows were lost through the carelessness of the man who had charge of them ; although the loss eventually proved a great and permanent gain, the stray animals being afterwards discovered—in November, 1795—on the other side of the Nepean River, a place thereafter called the Cowpastures, the seven having become nearly fifty. Governor Hunter, who had succeeded Phillip, in person went in search of the

missing cattle and personally inspected the herd, satisfying himself that they were the descendants of the original importations by having one of them killed. These wild cattle were religiously preserved from destruction, and increasing greatly divided into mobs, each under the charge of a victorious bull, until the general increase of stock diminished their value. The surrounding small settlers consumed not a little of the wild beef, and, subsequently, when beef ceased to be a luxury, the remnants of this wild tribe, which had sprung from the original stock, were destroyed by order of the Government. It is recorded that about the time this wild herd was discovered three miserable cows of the Indian breed sold for £189, and two years afterwards two ships were employed eight months in bringing 51 cows, 3 bulls, and 90 sheep from the Cape, at enormous cost. Running along the years we find at the beginning of 1887; in the three colonies of Australia alone—New South Wales, Victoria, and Queensland—the following record of live stock possessions:—

	HORSES.	CATTLE.	SHEEP.	PIGS.
New South Wales	369,663	1,867,844	39,169,804	209,576
Victoria	308,553	1,303,265	10,700,403	240,957
Queensland	278,694	4,071,563	9,690,446	61,861
Total	956,910	6,742,672	59,560,152	512,394

And this is not the only illustration that Australia has furnished of a "little one" becoming "a thousand."

It was towards the close of 1792 that Governor Phillip resigned his command in the colony and returned to England; and here a word or two may be said in praise of his uprightness of character, kindness of heart, firm discipline, and administrative ability. His position was

a peculiarly onerous one, his duties were most difficult, and the noble example of disinterestedness and self-sacrifice set by him on more than one occasion when actual starvation stared the colonists—free as well as bond—in the face, has never been surpassed by any ruler in ancient or modern times. After the lapse of a hundred years one can hardly conceive the difficulties attendant upon official life in the days when Governor Phillip held absolute sway. The rough and rude material which he had to shape into order and decency would under favorable circumstances have tested the humanity and statesmanship of the kindest of mortals and the most skilful of generals ; but it was under the most unfavorable conditions that Governor Phillip successfully carried the people placed under his charge through the initial stages of colonization and settlement. The convicts at times gave great trouble, and had it not been for the strictness of the discipline enforced—although no approach was made to arbitrariness, much less official cruelty—it is more than probable that felony would have proved too much for the powers of militaryism, and lawlessness would have triumphed. It is not every man who, in a similar position, would have used his powers so wisely—powers the equal of which have, perhaps, never been held or exercised by any other official in the British dominions. He could sentence to 500 lashes, fine £500 ; the regulation of customs and trade were in his hands ; he could fix prices and wages, could sentence a man to death and execute him, or grant an absolute pardon ; he could bestow grants of land, or prevent a would-be purchaser from investing in any article for use or trade. As Samuel Sidney well puts it : “ All the labour of the colony was at his disposal, all the land, all the stores, all the places of honor and profit, and virtually all the justice. His subjects consisted of his subordinate officers—

for, as captain-general, the commandant of the troops was under his orders,—of the few who resorted to New South Wales to trade, whose profits were at his disposal, and the convicts, outcasts without civil rights. The distance from England, the few means of communication, the indifference of the English to the fate of the inhabitants of a penal colony, or of any colony, rendered the governor, so far as the control of law extended, actually irresponsible. As there was no law, so there was no publicity and no public opinion to restrain the despotism which was the only possible government in such a penal colony." More powerful than many Sovereigns, yet exercising that power more like a kind parent than a despotic king, what wonder that he should have succeeded in preserving order in a community and under conditions most unfavorable, and where failure would have attended the efforts of most men?

Under the unfavourable circumstances existing, it was not to be expected that during the four-and-a-half years of Governor Phillip's reign any great progress in the direction of proper settlement would be made; but there was progress, nevertheless. The work of cultivation was carried on by the Government as well as it was able on the public account, but the conditions of soil and labour were so unsuitable that the yield was not nearly sufficient at the best to provide for the wants of the inhabitants, whose numbers were ever increasing by the arrival of fresh ship-loads of convicts. On two or three occasions the colony was put in the greatest straits through the failure of the crops and the absence of provisions. During the first year nothing was produced in the colony except a few vegetables, and the stock of provisions brought out from England was in danger of being exhausted before fresh

supplies could be procured. Everyone was put upon short allowance, and disaffection among the troops and the convicts speedily manifested itself. Some of the former entered into a conspiracy for plundering the public store, and succeeded in abstracting a quantity of provisions before the plot was discovered. As a warning to others the chief conspirators, seven in number, were hanged by the Governor straight off. Starvation stared the people in the face, and, regardless of consequences, the convicts broke regulation bounds and strayed into the bush in search of herbs and roots. The result was a natural one—scores of them were murdered by the blacks, and so many were being cut down in this way that an order was given for every one found beyond certain boundaries to receive one hundred and fifty lashes. If any of the unfortunates managed to get away from the aborigines only wounded they were sent to the hospital, and flogged as soon as they recovered. In those days death was not always the worst fate that could befall a prisoner.

The early records declare that one man who was caught by the solitary clergyman in the settlement stealing potatoes from a garden, was sentenced to 300 lashes, to have his ration of flour stopped for six months, and to be chained for that period to two others who had been caught robbing the Governor's garden.

During this trying period Governor Phillip lived on the same ration as was allowed to the meanest person under his charge, the weekly provision issued to everyone being simply two and a half pounds of flour, two pounds of rice, and two pounds of pork. The humanity of the Governor is seen in the fact narrated by Collins that he gave up 3 cwt. of flour which was his own private property, declaring that he

did not wish to have on his table at such a time more than the ration that was received in common from the public stores.

When the people were on the very verge of despair and death, their eyes were gladdened by the sight of a provision ship sailing into the harbour, and bringing 127,000 lbs. of flour, being a four months' supply for the settlement. A few days afterwards four ships arrived bringing 1000 male and 250 female convicts. It can readily be imagined what would have happened had these transport ships discharged their living freight before the public larder had been replenished by the timely arrival of the vessel with provisions.

It is worthy of record that the first grant of land was made to a settler named Ruse in 1791, he having declared that he was able to support himself without aid from the Government stores on a farm which he had occupied fifteen months, the grant of land having been made as a reward for his industry. In December, 1792, there were 67 settlers holding under grant 3,470 acres, of which 470 acres were under cultivation and another hundred cleared. The bulk of this land was near Sydney, and was then, as it is now, looked at from an agriculturist's point of view, "miserably barren;" and the little provision that was won from the soil was chiefly due to the fact that the work was done by convicts and without pay. These free settlers—most of them convicts free by servitude or pardon—were supported entirely for eighteen months by the Government, assistance being rendered as soon as they went on the land. They were clothed, received their tools and primitive implements of husbandry, and grain for seed, from the Government stores, together with the use of as many convicts as they would undertake to clothe, feed, and employ; while huts were erected for them also at the public expense.

The Government also did a little farming on its own account, and the site of the present Botanical gardens was one of the first plots to be brought under cultivation.

Among the first settlers were some of the marines who had formed the first garrison and whose places were filled by detachments of the corps raised expressly for service in the colony, afterwards called the 102nd Regiment. Those who chose to stay had quantities of land granted to them in proportion to their rank, and several of those who availed themselves of the advantages offered became wealthy colonists in the course of a few years. The regulations under which land was granted to non-commissioned officers and privates on the expiry of their terms of service were as follows:—To every non-commissioned officer, an allotment of 130 acres of land, if single; and 150 if married. To every private 80 acres if single and 100 if married; and ten acres for each child at the time of granting the allotment—free of all taxes, quit-rents, and other acknowledgments for the term of five years; at the expiration of which term to be liable to an annual quit-rent of one shilling for every fifty acres. As a further inducement to engage in public service, a bounty was offered of £3 per man to every non-commissioned officer and private who would enlist in the new corps; and an allotment of double the above proportion of land if they behaved well for five years, to be granted them at the expiration of that term, the allotments not to be subject to any tax for ten years. And at their discharge at either of the above periods, they were to be supplied with clothing and one year's provisions, with seed-grain, tools, and implements of agriculture. The service of a certain number of convicts was to be assigned to them for their labour when they could make it appear that they could feed and clothe them.

A list of the prices of agricultural stock and produce at the close of Governor Phillip's reign will shew how scarce were some of those things which now are almost beyond counting. Flour (ship's) was 9d per lb., potatoes 3d per lb., tea 8s to 16s per lb., sugar 1s 6d per lb., (and black at that !), porter 1s per quart, spirits 12s to 20s per gallon, sheep (the Cape breed) £10 10s each, milch goats £8 8s, breeding sows £7 7s to £10 10s, laying fowls 10s each. Of cattle and horses there were none for sale.

The rough mortality table for 1792 shews that there died two persons of the civil department, six soldiers, 418 male convicts, 18 female convicts, and 79 children. The marvel is that under such unfavourable conditions of life the mortality was not much greater. Referring to this subject Collins says:—"The weakest of the convicts were excused from all kinds of labour; but it was not hard labour that destroyed them; it was an entire want of strength in the constitution, which nothing but proper nourishment could repair. This dreadful mortality was confined to this class of people; and the wretches who were detected (stealing) were in general too weak to receive a punishment adequate to their crimes. Their universal plea was hunger; a plea which, though it could not be contradicted, imperious necessity deprived of its due weight, and frequently compelled punishment to be inflicted when pity was the prevailing sentiment." When, however, the settlement was again placed on full rations (July, 1792), there were better filled stomachs, more contentment, and fewer deaths.

The year of Governor Phillip's departure was made remarkable also by the arrival of the first foreign trading vessel. She was from the United States, and entered Port Jackson in November, loaded with goods which the

enterprising American skipper considered suitable to the new market. As it happened, the goods forming his cargo were in great demand, and he disposed of them at a high profit. In the same month one of the first warrants of emancipation was made out in favour of the notorious London pick-pocket, Barrington, to whom the credit of composing the prologue to one of the first dramatic representations attempted in the colony was given, and which contained the oft-quoted lines

"True patriots all, for be it understood,
We left our country for our country's good."

The following is the full text of that peculiar document :—

From distant climes, o'er wide-spread seas we come,
Though not with much éclat, or beat of drum ;
True patriots all, for, be it understood,
We left our country for our country's good :
No private views disgrac'd our generous zeal,
What urg'd our travels was our country's weal ;
And none will doubt, but that our emigration
Has proved most useful to the British nation.
But you inquire, what could our breasts inflame,
With this new passion for theatric fame ;
What in the practice of our former days,
Could shape our talent to exhibit plays ?
Your patience, Sirs, some observations made.
You'll grant us equal to the scenic trade.
He, who to midnight ladders is no stranger,
You'll own will make an admirable ranger.
To seek Macheath we have not far to roam,
And sure in Filch I shall be quite at home.
Unrivalled there, none will dispute my claim,
To high pre-eminence and exalted fame.
As oft to Gadshill we have ta'en our stand,
When 'twas so dark you could not see your hand,
Some true bred Falstaff we may hope to start,
Who, when well-holster'd well will play his part,
The scene to vary, we shall try in time,
To treat you to a little pantomime.
Here light and easy columbines are found,
And well-bred harlequins with us abound ;
From durance vile our precious selves to keep,
We often had recourse to th' flying leap ;
To a black face have sometimes ow'd escape,
And Hounslow Heath has proved the worth of crape.
But how, you ask, can we e'er hope to soar
Above these scenes, and rise to tragic lore ?

Too oft, alas ! we've forced th' unwilling tear,
 And petrified the heart with real fear.
 Macbeth a harvest of applause will reap,
 For some of us, I fear, have murdered sleep ;
 His lady too with grace will sleep and talk,
 Our females have been used at night to walk.
 Sometimes, indeed, so various is our art,
 An actor may improve and mend his part ;
 " Give me a horse," bawls Richard, like a drone,
 We'll find a man would help himself to one.
 Grant us the favour, put us to the test,
 To gain your smiles we'll do our very best ;
 And, without dread of future Turnkey Lookits,
 Thus, in an honest way, still pick your pockets.

It is worthy of note also that the first attempt to penetrate the Blue Mountains was made during Governor Phillip's reign. In the month of December 1789, Lieutenant Dawes and a party essayed the task, but returned to Sydney after nine days' absence without having as much as touched the cover of that sealed book which in future years was to open up to the people of all countries such a vast area of wealth-producing soil. For many years thereafter the Blue Mountains were looked upon as a curtain hiding from view a most mysterious land ; but it is safe to say that no dream of wealth and beauty then crossing the mind even approached the reality which many thousands at the present day both feel and know.

Governor Phillip embarked for England on the 11th December, 1792, and settled in Bath on a pension of £500 a year, which was granted by the British Government, for his services in establishing the colony. He died at Bath in 1814.

CHAPTER II.—THE INTERREGNUM—1792 to 1795.

MAJOR GROSE AND CAPTAIN PATTERSON—A MILITARY DESPOTISM
—THE NEW SOUTH WALES CORPS—DIVIDING THE SPOILS
—FOUNDING A COLONIAL ARISTOCRACY—JOHN MACARTHUR,
CAPTAIN AND PAYMASTER—IMPROVING THE BREED OF
SHEEP—AN UNSCRUPULOUS “RING”—OFFICIAL HUCK-
STERERS AND EPAULETTED DEALERS—A CURRENCY OF RUM
—COMMISSION OF ENQUIRY—MONOPOLY AND EXTORTION—
500 PER CENT.—DISTRIBUTION OF CONVICTS—HIGH PRICES
—OUTDOING THE CONVICTS IN LICENTIOUSNESS—THE RUM
HOSPITAL—SELLING A WIFE—EMANCIPATED CONVICTS IN
BUSINESS—A GAOLER PUBLICAN—KILLING THE TRAFFIC—
INDUSTRIAL PROGRESS.

DURING the greater portion of the three years following Governor Phillip's departure the Government of the settlement was practically a military despotism. The Government devolved, first upon Major Francis Grose, and secondly upon Captain Patterson, senior officers of the 102nd Regiment of the New South Wales Corps, and these officers by incompetency on the one hand and wretched militaryism on the other succeeded in establishing an order of things the whole tendency of which was evil, and the results of which have extended down the whole line of the hundred years which have now passed since the foundation of the colony.

A word or two here concerning the “New South Wales Corps,” of which these officers were distinguished members, must be said. The corps had been raised in England in 1790-1 for service in the colonies—a service which was not

considered at that time either dignified or honourable for any British officer of much repute to engage in ; and consequently many of those who found their way into it possessed a very low estimate of morality and honesty. They were, therefore, quite prepared to engage in any work, however dirty, or unjust, or arbitrary, that would bring pecuniary profit to themselves or satisfy the gross sensuality of their natures. And they found in the convict settlement a splendid field for the exercise of their evil inclinations.

The first use Grose made of his power was to issue an order merging the civil in the military authority. From this time forth the officers of the Corps held the reins of power, and they were not slow to avail themselves of the opportunities thus offered for self-aggrandisement ; and so firmly did they batten themselves on the life of the colony—social, civil, and political—that for nearly a quarter of a century after the issue of Grose's first order they literally wielded the helm of State, against Governors and people alike.

Their first division of the "spoils" consisted in land appropriation. Although Governor Phillip had only alienated about 3,000 of the public land to private individuals, these military robbers appropriated more than 15,000 acres to themselves within a very short time, their own immediate friends coming in for a share of the plunder. And for long after their messmates had vacated the gubernatorial seat this small but powerful class continued to "grab" the public estate with greedy fingers, and those of them who were steady as well as unscrupulous thus became the founders of wealthy families who, even at that early day, and with the dirt still clinging to their fingers, assumed the powers and privileges of a "landed aristocracy." The leader of the class which assumed such

privileges was Mr. John Macarthur, who was captain and paymaster of the Corps, but who after a few years service left the ranks of *honour* and developed into a large landed proprietor and owner of stock; subsequently becoming so powerful as to disturb even the seat of Government, and plunge the whole colony into confusion. The one redeeming feature in his career was the successful attempt he made to improve the breed of sheep; but it is questionable whether, even in this act, he had any higher patriotic motive than that furnished by the possibly louder jingle of coin in his own pocket. It is but just to say, however, that he set a virtuous example in private and social life which put the conduct of many of his fellow-officers to the blush, his family being one of the best-regulated in the colony.

The position occupied by the officers of the New South Wales Corps furnished them with singular advantages in the matter of mercantile speculations, and history supplies no record of any more unscrupulous or successful "ring" than that formed by them. They had absolute control of the King's stores, which were supplies from England and contained all that was supposed to be necessary for the comfortable sustenance of the settlement, and from these stores they would obtain supplies of useful articles at cost price, to retail them out at an enormous profit; and in time they established a monopoly that was as immoral as it was vexatious and disastrous. At first they confined their operations to the wholesale line of business; but as time went on and they saw emancipated convicts amassing wealth by petty dealing among their fellows, they plunged into that business and established a monopoly in that line also, their official command of appliances and facilities giving them great advantages over honest, fair-dealing men. They formed a

guild among themselves, having for its object a monopoly of the profits on all importations, by levying a sort of blackmail on all goods landed in the colony, and particularly of such stores as were sent out by the Home Government for disposal to the settlers. The moment a cargo of goods was stored in the Government Warehouse these official hucksterers assembled and divided the goods among themselves; they then placed their marks, and the prices at which the public would be allowed to purchase, on each packet or article; and by this plan, although no money was actually paid, they reaped enormous profits, as all the money above the prices fixed by the Government or the private importers went into their own pockets. They were also in a position to compel the settlers to sell to them, at their own prices, produce which they afterwards re-sold to the Government at the higher rates which had been fixed through their influence; and if a settler raised any objection to this one-sided bargain they literally shut the door of the public store against him. To such a pitch did these commercial weevil carry their scheme that in some years it is said not a single bushel of grain or pound of pork found its way into the Government stores except through their hands. What wonder, then, that the poor settlers should grow poorer and that natural production should fall off! This nefarious system was carried out after the following fashion:—No private person was allowed to enter the public store unless he produced a written order from a Government officer, which order, owing to the officer having a "finger in the pie," had to be purchased at a very high rate; so that only those able and willing to pay the heavy premium to the privileged selling class could procure the article they required from the store.

These epauletté dealers also traded in another way.

Rum was the article then, and for many years afterwards, in most frequent requisition throughout the colony. Spirits were, in fact, the currency of the colony. Almost all extra work was paid for in spirits, and the diligence of prisoners even, in unloading a vessel laden with Government stores, was stimulated by giving half a pint of rum to each. Among free and bond, drunkenness was a prevailing vice—a natural result of the system introduced under this military-cum-trading crowd, of officially making rum the currency. How universal became the practice was proved on oath by a gentleman who knew all about it, when giving evidence in 1811 at the trial of Colonel Johnston for his connection with the forcible deposition of Governor Bligh. Mr. John McArthur's evidence was as follows:—

Question:—"Has not the barter of spirits been always practised by every person in the colony, as a matter of necessity, from the want of currency?"

Answer:—"I know of no exception; as far as my observation went it was universal; officers civil and military, clergy, every description of inhabitants, were under the necessity of paying for the necessaries of life, for every article of consumption, in that sort of commodity which the people who had to sell were inclined to take: in many cases you could not get labour performed without it.

Captain Kemp, another of the New South Wales Corps, on the same occasion, under catechism, made a similar reply:—

Question:—"Was the barter of spirits prohibited by Governor Macquarie; or were the officers of the 73rd Regiment allowed to barter spirits?"

Answer:—"The Governor, clergy, officers civil and

military, all ranks and descriptions of people, bartered spirits when I left Sydney—viz., in May, 1810."

A rule was established that there should be periodical issues of rum to the officers of the Corps, in quantities according to rank. But they supplemented this "allowance" (self-granted, be it remembered) by first purchase of the cargo. When a merchant ship arrived in the harbour, the officers of the Corps got the first sight of her manifest and first choice of her cargo; but they were kind enough to allow the free or emancipated convict-merchants to follow in their wake. And they were as vigorous in the retail trade as in the wholesale. Most of the non-commissioned officers had licenses to sell spirits; and in this manner the superfluous rum of the Regiment was disposed of.

But to narrate in detail all the actions of these men, and their results, would fill a bulky volume. It must suffice to say that after they had pursued their system of spoliation for some twenty years they received a check. The injustice they were inflicting upon the free settlers at length became so notorious as to attract the attention of the British Parliament, and in 1812 a Committee of the House of Commons sat to consider the matter. The following extracts from the evidence taken before that Committee will shew the extent to which these gentry carried their depredations:—

MAURICE MARGAROT called in and examined:—

"In what year did you sail to New South Wales? In 1794. And to what period did you remain? Till the year 1810.

"Did you observe that in consequence of the mode in which the convicts at Botany Bay were treated, that their morals and conduct were improved by their treatment? No.

“What do you conceive to be the obstacle to their improvement? The selection of the officers by Government who are sent out there, and the arbitrary mode in which that Government is carried on, forasmuch as they have no rule to go by but one Act of Parliament, which enjoins them to keep as near to the laws of England as they can.

“Point out what you conceive to be the principal defects in the system adopted by the officers sent out by this country. —Trade and personal interests; for to nothing else can their behaviour be attributed; it is barbarous and cruel in the extreme.

“Do the majority of the officers to whom the Government of the colony is entrusted embark in trade? All, to a man.

“What is that trade? It consists, first of all, of monopoly, then of extortion; it includes all the necessities of life which are brought to the colony. The trade in which the officers are engaged is, first, the supply of the stores with wheat and pork, sometimes beef and mutton, to the exclusion of the settlers; next, vessels arrive from different parts of Europe, and from India, with such articles as may be deemed luxuries; tea, sugar, rum, wine, little matters for clothing, silk handkerchiefs, &c., and a variety of articles; the officers purchase them and retail them at perhaps 500 per cent. profit. There is likewise another monopoly; the Government has been very kind to the colony, and sent out various articles for the use of the settlers and prisoners, such as sieves, hats, clothes, linen, coarse cloth, and a thousand other articles; when a ship of that kind has arrived, and the goods have been landed in the King's stores, after a few days the stores are opened to the officers, who go in, lay their hands upon every thing of value, and have their names affixed to it as purchasers, and they leave nothing but the refuse for the

colony ; having so done, by themselves or by their agents, they retail that, as I said before, at 500 per cent. profit. I believe that I am not out when I say that a sieve, to sift meal, which cost them 5/9, has been sold for three guineas, and rum I have known sold at £8 per gallon, which cost 7/6.

“Do you mean that civil officers, or military, or both, are engaged in this trade? All of them to a man. In the year 1797 a combination bond was entered into by them, by which they were neither to underbuy nor undersell the one from the other.

“How was that known in the colony? Because it was offered me to sign, and I refused it, and from thence began my persecutions; some of the upper inhabitants had that bond tendered them to sign; it was brought to me, I refused signing it; it went in fact to do what they have done ever since without it; there was an *esprit de corps* among them, that although they might jar between one another, if you offended one you offended the whole; and any poor prisoner that had the misfortune to offend any one officer would be sure to get a flogging from some other.

“Are not the settlers supplied with servants upon the first arrival of the convicts? No, they are not; they must wait until all the officers are served; they must wait until they can make interest with some person in office to obtain one.

“Do you think the colony was in a more flourishing state when you came away than when you went there first? Proportionately less. There were about 4000 inhabitants when I went there; there were but about 11,000 or 12,000 when I left it.

“Did the respectable part of the colony appear to you to be increasing? There was very little respectable there.”

WILLIAM RICHARDSON called in, and examined:—

“In what year did you go to Botany Bay? I do not recollect the year; I went out with Governor Phillip in the first fleet.

“Till what year did you remain there? I came home last Christmas was twelve months—Christmas 1810.

“Were the articles you bought for yourself expensive to you? Very expensive; shoes 20/- a pair; for a shirt 20/-; sugar 7d. per lb., and tea a dollar an ounce; spirits, generally 20/- a bottle.

“Were those high prices owing to a temporary scarcity, or was it a general thing? It was general for the poor; the rich could get it cheaper.

“Are you able to account for these high prices? No, I cannot; but from gentlemen having an opportunity of going aboard, and buying things of the captain; we could not go on board because we were always paid with copper coin, and therefore we could buy nothing; if I had got £20 soldier's pay I could not get one individual thing from a ship.”

[N.B.—This man had gone out as a convict for seven years, and had enlisted as a soldier on becoming free.]

Mr. ROBERT CAMPBELL called in and examined:—

“In what year did you go to Botany Bay? In the year 1798, from Bengal.

“To what year did you remain? I was there, with the exception of two or three short intervals, down to the year 1810.

“For what purpose did you go? On a mercantile speculation, to procure seal skins for the China market, and supply the colony with necessary articles of merchandise from Bengal.

"Did you receive that encouragement from the Governor which you had reason to expect? When I first arrived, in 1798, no class of settlers were allowed to purchase any articles of merchandise but the officers on the establishment, civil and military.

"Were you allowed to sell your merchandise at your own price? No.

"In what manner were the prices fixed? In 1798, the officers fixed the price of all articles of merchandise which I had then for sale. In 1800 and from that time till my departure, in 1810, the Governor fixed the price of spirits and wine; the other articles we were allowed to dispose of to the best advantage.

"Had you an opportunity of seeing the manner in which the merchandise sold to the military and civil officers was afterwards retailed in the colony? Yes.

"At what profit were the articles retailed? Spirits sometimes at 500 per cent., at least; on other articles generally about from 50 to 75 per cent."

And, as these *gentlemen* were not honest, neither were they virtuous in other respects. Let Dr. Lang speak:—"The officers of the New South Wales Corps were neither all married nor all virtuous men. Some of them, it is true, lived reputably with their families, and set a virtuous example to the colony, even in the worst times; but the greater number took female convicts of prepossessing appearance under their protection, and employed them occasionally in the retail business. In so small a community as that of New South Wales, at the period in question, a *liaison* of this kind could scarcely be concealed: decency was outraged on all hands; and the prison population laughed at their superiors for

outdoing them in open profligacy, and naturally followed their example. . . . A large proportion of the civil and military officers of the settlement were unmarried men, of loose principles and dissolute habits; who, setting at defiance the laws of God and the opinions of virtuous men, lived in a state of open and avowed profligacy, thereby setting an example which was but too generally followed by the convicts, and the demoralising and debasing influence of which was long widely perceptible throughout the territory."

Although not in proper chronological order, it may be as well to bring this unsavory subject to a close, to prevent re-opening. Under the pernicious system introduced by the New South Wales Corps, lands, houses, and property of every description, real and personal, were bought and paid for in rum. The first large and substantial hospital in Sydney was built by three gentlemen under a contract with the Governor which gave them a monopoly of the sale and importation of rum for a certain time; hence its title of "The Rum Hospital." This happened in Governor Macquarie's time, and the "rummy" contractors who entered into this agreement with him were Messrs. D'Arcy Wentworth, Blaxcell, and Riley. The simple conditions were that in return for erecting the building they were to receive a certain quantity of rum from the King's store, and have granted to them the right to purchase and retail 15,000 gallons of ardent spirits annually for four years!

The workmen of the colony were as much as possible paid in rum. It is recorded of one of the officers of the New South Wales corps that 100 acres of land having been distributed in half-acre allotments as free grants amongst some soldiers of the regiment, he planted a hogshead of rum upon the ground, and bought the whole hundred acres with

the contents of the hogshead. Years afterwards a moiety of this land was sold in Sydney and realised £20,000. Judge Therry, in his "Reminiscences," when referring to this period, says :—" Not only was concubinage thought no shame, but *the sale of wives* was not an unfrequent practice. A present owner of broad acres and large herds in New South Wales is the offspring of an union strangely brought about by the purchase of a wife from her husband for four gallons of rum !"

When Governor Hunter arrived he vainly attempted to check this vicious barter. But the evil was too deeply rooted and the official traffickers too strong in wealth and numbers to be easily corrected. His successor, Governor King, sought to apply the homeopathic principle of like curing like to the evil, but instead of curing the disease by such a course he intensified it. He saw that the military influence was dangerously active in the colony, and he endeavoured to counterbalance it by attempting to bring forward the emancipated convicts as competitors in the rum market against the Corps, by granting to them licenses to sell. "Such licenses," says Dr. Lang, "were accordingly dispensed with a liberality and profusion above all praise; for even the chief constable of Sydney, whose business it was to suppress irregularity, had a license to promote it, under the Governor's hand, by the sale of rum and other ardent liquors; and although the chief jailer was not exactly permitted to convert the jail into a grog-shop, he had a licensed house, in which he sold rum publicly on his own behalf, right opposite the gaol door." Governor King's successor, however, (Captain Bligh) applied the lancet to this social gangrene with better effect. He came armed with full instructions from the Home authorities, and immediately on his arrival applied himself to the work of destroying the military monopoly existing, and especially in the article of

ardent spirits. Governor Hunter had recommended the Imperial Government to withdraw the New South Wales Corps, but the latter were powerful in the colonial office across the water as well as in New South Wales, and the recommendation was not adopted, although Governor Bligh received instructions to prevent the landing of any spirits from any vessel coming to the settlement, "without your consent, or that of our Governor-in-chief for the time being, previously obtained for that purpose."

Within six months of his advent Governor Bligh issued the following stringent General Order:—

"His Excellency the Governor regrets to find, by his late visit through the colony, that the most calamitous evils have been produced by persons bartering or paying spirits for grain of all kinds, and the necessaries of life in general, and to labourers for their hire; such proceedings depressing the industrious, and depriving the settlers of their comforts. In order, therefore, to remedy these grievous complaints, and to relieve the inhabitants who have suffered by this traffic, he feels it his duty to put a total stop to this barter in future, and to prohibit the exchange of spirits or other liquors as payment for grain, animal food, wearing apparel, or any other commodity whatever, to all descriptions of persons in the colony and its dependencies. If a prisoner is convicted before a bench of magistrates of any of the offences above stated, he shall receive a punishment of one hundred lashes, and be sentenced to hard labour for twelve months:—If a settler, free by servitude, pardon, or emancipation, he is to be deprived of all indulgences from the Crown, sentenced to three months imprisonment, and to pay a fine of £20 to the King:—If a settler who came free into the colony, or any other free inhabitants, masters, or any other descriptions of

persons on board of ships or vessels, they are to lose all indulgences granted them by the Crown, and pay a fine of £50 to the King; all of which fines, on conviction, shall be levied by the provost-marshal, one moiety to be given to the informer, and the other to be at the disposal of the Government. His Excellency has the strongest confidence, from the known distress of the colony in consequence of this pernicious barter, that all officers, civil and military, will be aiding and assisting in carrying this order into execution, which ultimately must tend to relieve the distresses of the people, and to give credit and stability to the settlement at large.

“By command of His Excellency,

“E. GRIFFIN, Sec.

“Government House, Sydney,

“February 14th, 1807.”

It was, undoubtedly, through his energetic efforts to suppress this traffic that Governor Bligh was subsequently forcibly deposed. He caused a notice to be served upon Mr. Macarthur to deliver up a large still, which had arrived in a ship of which he was part owner, in order that it (with another still which had come for a Captain in the Corps) might be re-shipped to England. Macarthur at first refused to comply, but subsequently the still was taken by the Government officer. Then commenced a war between the Governor (who had the misfortune to be in the hands of incompetent legal advisers) and Macarthur. The latter was eventually charged with sedition, but several of the military officers comprising the court ousted the Judge-Advocate, against whose presidency Macarthur had protested, and sought to pronounce judgment favourable to their friend. This proceeding was, however, upset by the provost-marshal, who procured a warrant for

Macarthur in order to his being lodged in gaol; the six friendly officers shortly thereafter also being summoned to answer a charge of inciting to rebellion. His Excellency had in the meantime sent for Major Johnston, commander of the New South Wales Corps, who lived about four miles out of town on his easily-acquired estate; but that gentleman excused himself on the score of illness. On the following day, however, he made his appearance at the military barracks, but instead of supporting the Governor in preserving order he allowed the officers of the corps to induce him to usurp the Government of the colony, and place the Governor under arrest, himself marching to the performance of the valorous deed at the head of the Regiment. The Governor having been forcibly deposed, Major Johnston assumed the reins of Government, to the unbounded delight of the military and civil grog-sellers whose craft he had endangered; but to the disgust of the respectable portion of the free populace, who were, however, powerless to remedy matters. Subsequently Johnston was ordered under arrest to England where he was tried and cashiered. With his fall also fell the gallant New South Wales Corps, which was disbanded, the 73rd Regiment, the lieutenant-colonel of which was Lachlan Macquarie, relieving them. The officers had, of course, feathered their nests in the colony and the majority of them retired to sleep therein, or if not to sleep to hatch a little more mischief. Their official power was gone, but the evil wrought by money-grabbing, licentious practices still remained, and might be seen working its way out in descendants half a century afterwards. The fathers had eaten sour grapes and the children's teeth were set on edge!

During the three years, 1793-4-5, which followed Governor Phillip's departure, and for which term the

settlement was virtually in the hands of the New South Wales Corps—serving its apprenticeship in a greater moral degradation than that imposed by the presence and incoming of convicts—signs of material progress were not wanting. At the end of 1795 there were 5000 acres of land under cultivation; the horses had increased from 11 to 57, the horned cattle from 23 to 229, the sheep from 105 to 1553, the pigs from 43 to 1869, and the goats to 1427. The work of coastal exploration had also been prosecuted in a small way; but the period was chiefly remarkable for the breaking of all rules of decorum and morality by the very men who should themselves have rightly observed them and enforced their observance upon others under their control.

CHAPTER III—GOVERNOR HUNTER.—1785 to 1800.

A WELL-MEANING MAN, BUT WEAK—PROGRESS OF SETTLEMENT—STIMULATING CULTIVATION—HIGH PRICES—RECOVERY OF THE LOST HERD—FIRST SCHOOL AND CHURCH—COASTAL EXPLORATION—ILLAWARRA AND THE HUNTER—POPULATION—LAND ALIENATION—THE GOVERNOR'S HUMANITY.

IT was on the 7th September, 1795, that the new Governor-in-chief, Captain John Hunter, arrived, and, as may be imagined, his arrival was hailed with joy by all the inhabitants of the settlement, excepting the military officers and their friends. He was a man of good judgment, benevolent character, and blameless private life, but he lacked that firmness which was necessary to enable him to successfully cope with the growing evils among the military, and keep the convict element free from fresh taint. He occupied the office until September, 1800, and during his administration agriculture made considerable progress, the prospects of the

colony consequently becoming brighter. In order to stimulate the cultivation of the soil he allotted to each of the Government or military officers who had agricultural establishments ten convicts as farm-servants and three as house servants; to each free emigrant settler five convicts; to superintendents, constables, and storekeepers, four each; to mariners who had become settlers, two; to emancipated convicts, one; and to sergeants of the New South Wales Corps, one each.

Most of the cattle shipped from England had died on the voyage, but a number of horses, sheep, goats, pigs and poultry had been introduced successfully. In 1796 the price of a cow was £80, a horse £90, a sheep of the Cape breed £7 10s., a breeding sow £5, geese and turkeys £1 1s. each. Goat's flesh was sold at 1/6 per lb., butter at 3/-, and two years later as much as 22/- were paid for a common cup and saucer.

A small printing-press brought out in the First Fleet was used for the first time by Governor Hunter, in 1795, for printing public notices and Government orders, George Howe being the first Government Printer. This event, together with the discovery of the lost herd of cattle, the discovery of the Hunter River, and the establishment of a settlement at Newcastle, the erection of the first school and church (St. Phillip's), and further coastal exploration, formed the most noteworthy events of this epoch. The plan adopted by Governor Phillip of granting farms to emancipated convicts of good character, as well as to free settlers, was followed by Governor Hunter, and there can be no doubt that the number of good-conduct men was thus largely increased.

Maritime discovery received great impulse and encouragement from Governor Hunter, and he personally engaged in

short voyages of research between the southern portion of Van Dieman's Land and Port Jackson. Collins states that he had been frequently heard to say that, with a few small vessels, perhaps three or four, if he could have obtained them, or if his instructions would have permitted his building them, he would in the course of a short period have gained some acquaintance with all that part of the coast which Captain Cook had not an opportunity of examining minutely. It was under his sanction and with his assistance that Messrs. Bass and Flinders entered upon their adventurous work of coastal exploration, resulting in the discovery of an inlet to the fertile district of Illawarra, and, subsequently, of the Shoalhaven River, Twofold Bay, and Wilson's Promontory. The first voyage of discovery was made in a small whale boat called the Tom Thumb, only about eight feet long, but the later voyages were made in a whale boat, manned by a crew of volunteers from the ships in harbour, and having only six weeks' provisions on board. But the adventurous explorers lengthened out their provisions to eleven weeks and returned safely at the end of that time, having covered a distance of 600 miles in an open boat. In the following year, 1798, Governor Hunter despatched these two enterprising sailors to follow up their discoveries, and they then completely circumnavigated Van Dieman's Land, Bass Straits being then found and named.

The Hunter River was discovered and proved navigable during Governor Hunter's rule, and it received its name from him, while the William and Paterson rivers were called after the Lieutenant-Governor, and the locality around the harbour was called Newcastle, from the abundance of pit-coal in its vicinity. The importance of these discoveries to the opening colony, in a commercial sense, was then but little understood.

It was only in after years that the fertility and extent of these northern districts became the subject of thought and conversation among the men in whose hands the work of settling the country was placed.

The population of the colony at the close of 1800, when Governor Hunter embarked for England, was 5,574 persons, including 776 children; in Norfolk Island (where a second settlement had been formed by Governor Phillip) there were 961; making a total of 6,535 souls. Of this population about one-third was located in Sydney, and the rest at Parramatta, Toongabbie and Castlehill, the land about which was being gradually brought under cultivation.

The following figures relate to this time also:—Horses in the colony 203, cattle 1,044, hogs 4,017, sheep, 6,124, goats 2,182, acres of land under cultivation 7,677. From February, 1792, to September, 1800, the extent of land granted was as follows:—

By Governor Phillip	3,389	acres
By Lieut.-Governor Grose	10,674	„
By Lieut.-Governor Patterson	4,965	„
By Governor Hunter	28,650	„

Total 47,678 acres.

Governor Hunter left the colony at the close of 1800, and shortly after his arrival in England he was appointed to the command of the *Venerable*, seventy-four. One event which happened while he was serving in that capacity will shew what manner of man he was. He was cruising with his vessel in Torbay when one of the seamen accidentally fell overboard. Captain Hunter ordered the vessel to be put about to pick the man up, but in executing the manœuvre she missed stays, ran ashore, and was wrecked. Hunter was afterwards brought before a court-martial and tried for the

loss of the vessel. During the trial, when asked what had induced him to put the ship about in such circumstances, he replied that "he considered the life of a British seaman of more value than any ship in His Majesty's navy." The brave man—not less brave because humane—was honourably acquitted, and was afterwards promoted to the rank of rear-admiral.

Hunter died in Scotland, the land of his birth, at an advanced age.

CHAPTER IV—GOVERNOR KING.—1800 to 1806.

DAYS OF LOOSE MORALS—INEFFICIENT POLICE SYSTEM—OUTRAGES BY BUSHRANGERS—ABANDONMENT OF NORFOLK ISLAND—REVOLT OF CONVICTS—FOUNDING THE FEMALE ORPHAN SCHOOL—FIRST ISSUE OF COPPER COIN—FIRST NEWSPAPER PUBLISHED—SCOTCH IMMIGRANTS ARRIVE—PECULIAR GENERAL ORDERS—CONVICTS AT PORT PHILLIP—REMOVAL OF THE SETTLEMENT TO VAN DIEMAN'S LAND—DEVASTATING FLOOD IN THE HAWKESBURY—WHEAT 80S. PER BUSHEL AND BREAD 5S. PER LOAF—OPENING UP SUBSTANTIAL INDUSTRIES—THE GOVERNOR'S LITTLE JOKE—MUTUAL ACCOMMODATION—THE LAND AND ITS PRODUCE—POPULATION AND OTHER STATISTICS.



GOVERNOR KING followed Hunter, and he administered the Government until August, 1806. In manner and disposition he was the opposite of his predecessor, being rough and uncouth, and lacking in perseverance. It was during his administration that the rum-selling business reached its full vigour, and he was powerless to check it. Concerning this period Dr. Lang writes:—"A general dissolution of morals and a general relaxation of penal discipline were the result of a state of things so outrageously preposterous. Neither marrying nor giving in marriage was

thought of in the colony ; and as the arm of the civil power was withered under the blasting influence of the miserable system that prevailed, the police of the colony was wretchedly administered, and virtuous industry was neither encouraged nor protected. Bands of bushrangers or runaway convicts traversed the country in all directions, and, entering the houses of the defenceless settlers in open day, committed fearful atrocities."

Governor King, who had served under Captain Phillip on the first voyage to the colony, had done good service in the establishment of Norfolk Island, but during his administration all the good work he had then accomplished was undone by the temporary abandonment of that subordinate settlement, which had made considerable advancement, and upon which a large sum of money and much labour had been expended.

The year 1804 was rendered remarkable by a conspiracy among the convicts at Castlehill. They were 250 strong, but were defeated in fifteen minutes by Major Johnston at the head of twenty-four soldiers of the New South Wales Corps. Sixteen of the convicts were killed during the "engagement," twelve were wounded, and thirty were made prisoners. The rest surrendered at discretion. Five of the ringleaders were afterwards executed.

Under Governor King the Female Orphan School was founded, the first issue of copper coin took place, the *Sydney Gazette* (the first Australian newspaper) was published, a number of free emigrant settlers, (chiefly from the Scottish border) arrived in the colony on free passages and received a grant of 100 acres of land each and rations from the King's Stores.

A glance at some of the "General Orders" published in the *Gazette* is sufficient to shew that it was simply an organ for the powerful classes. These general orders regulated the words, the habits, the conduct, and almost the looks of the people; they fixed the time to rise and go to bed; enacted that "idlers" were to be imprisoned and kept at hard labour; that persons guilty of seditious words or actions were to receive exemplary punishment, and their houses to be demolished; that free persons neglecting to attend musters were to be treated as vagrants and sent to hard labour. The profits of both importers and retailers were also regulated by general orders. Those of the former were not to exceed one hundred per cent., and those of the latter ten per cent.—the difference in favour of the former class proving how tender the officials were to themselves, they being the principal importers.

It was during Governor King's administration also that the attempt was made to found a convict settlement at Port Phillip; two vessels—one with stores for three years, and the other with 300 convicts, 50 marines, a few free settlers, twenty-five women, ten children, and the proper complement of officers—being sent out by Lord Hobart, Secretary of State for the Colonies, who desired to immortalise his name in this way. The site of the settlement was chosen at Point Nepean, near the heads, and the people all landed; but finding that the site was unfavorable Lieutenant-Colonel Collins, the officer in charge, represented to Governor King the desirability of removing the settlement to Van Dieman's Land, and, permission being granted, the settlement was removed accordingly. This was, perhaps, the event of greatest importance under the rule of Governor King. Subsequently the population of Van Dieman's Land was increased by the

transportation of convicts from Sydney, and not a few of the free Norfolk Islanders also found a home there, when, much to their disappointment, the settlement on that island was broken up. The records of the early days of Tasmanian colonization resemble in their general features those of New South Wales—being periods of hardship, privation, famine, crime, and conflicts with the natives.

The month of March, 1806, was rendered remarkable by the occurrence of the heaviest flood that up to that time had visited the Hawkesbury. The rain continued for nearly a month without intermission, and flooded the country, causing not a little loss of life and immense destruction of property. Two hundred stacks of wheat were stated to have been carried out to sea, many of them covered with poultry, pigs, and other animals, which had taken refuge upon them. The total loss of property was estimated at £35,000, and the unfortunate settlers only escaped from the waters to find starvation staring them in the face. But the Government came to their assistance, and by regulating the consumption of food generally, made provision for their immediate wants, compelling those who had saved their grain to share it with their less fortunate neighbours. During the period of scarcity resulting from this sudden overflowing of the waters, the price of the two-pound loaf rose to 5s., and wheat was hardly procurable at 80s. per bushel.

“The six years of Governor King’s rule,” says Bennett, “notwithstanding the occurrence of serious civil disturbances and the prevalence of drinking habits to a degree probably never before witnessed in any community, were marked by a steady advancement in the development of the material resources of the colony. The sealing trade and whale fishery were carried on with energy and profit, the foundation of

what proved a lucrative intercourse with New Zealand and the South Sea Islands was opened up, new settlements were formed, and a large quantity of land was brought under cultivation, and pastoral enterprise received an impetus which, a few years after, placed the growing of fine wool amongst the most extensive and lucrative of colonial pursuits. The progeny of the choice merino rams imported some years before by Mr. John Macarthur had gradually but steadily continued to improve, and at length to supersede the worthless breed of sheep which had been introduced, chiefly at the public expense, from India and the Cape of Good Hope. The natural woods of the colony were found to be useful for something more than firewood, and brewing, salt-making, boat, ship and carriage building commenced."

There was a funny side to Governor King's character, and he occasionally exhibited that side to those under him. A story is told illustrative of his inclination for practical joking. He was one day standing under the verandah of Government House, when a man, who had once been in the marines, presented himself and petitioned for a grant of land. The Governor recognised the petitioner, and questioned him thus: "You have been a marine?" "Yes, please your Excellency," replied the man. "Can you go through the manual exercise yet?" enquired the Governor, smiling. "Yes, please your Excellency," was the reply. "Stand at ease, then," said the Governor, and the man obeyed with alacrity. "Shoulder arms!" "Right about face!" were the next commands, each of which the man performed—pleased no doubt, though perhaps a little astonished, at his Excellency's playfulness. While standing thus he received a final order—"March!" and the now discomfited marine stepped out on the return journey, while the Governor turned

into his apartments laughing at his little joke. It is said, however, that the man afterwards received his grant of land from the Governor as a reward for his obedience to orders.

In one of the old records relating to this period I find the following significant statement:—Governor King, just before his resignation, gave Governor Bligh a grant of 1000 acres of land; and subsequently, Governor Bligh gave Mrs. King a grant of 1000 acres. There was no joking about this sort of mutual accommodation.

From the Official Returns for 1806 the following statistical notices are extracted:—

	ACRES
Quantity of land occupied by Government or granted to private individuals ...	125,476
Quantity of land cleared ...	16,624
„ In wheat... ..	7,118
„ In barley, maize, &c., ...	5,279

The average produce of wheat land was 18 bushels per acre.


Number of Horned Cattle ...	3,264
„ Sheep ...	16,501
„ Pigs ...	14,300
„ Horses ...	458
„ Goats ...	2,900

The administration of Governor King was barren of good fruit, owing in great measure to the strong antagonism of the military “ring” whose influence he was powerless to break. It is said that the baneful Corps had something to do with shortening the period of his service in the colony.

The population of the colony and its dependencies at the period of Governor King’s departure (August, 1806) was about 9000, of which 7,200 were in New South Wales, 528 at Hobart Town, and 1084 at Norfolk Island.

CHAPTER V—GOVERNOR BLIGH.—1806 to 1809.

HIS FIGHT WITH THE MILITARY HUCKSTERS — MR. JOHN MACARTHUR—MAJOR JOHNSTON—COWARDLY POLTROONS—CLEVER, WEALTHY, AND UNSCRUPULOUS—BLIGH'S STORY OF THE REBELLION—THE COLONY'S TWENTIETH ANNIVERSARY — THE JOHNSTON - MACARTHUR ADMINISTRATION — SANCTIMONIOUS SOLDIERS—REV. H. FULTON, AN IRISH EXILE—AN ATTORNEY-GENERAL TRANSPORTED FOR SEVEN YEARS—DISTRIBUTING FAVOURS—ANARCHY, RESULTING IN IDLENESS AND PROFLIGACY—THE NEW SOUTH WALES CORPS ORDERED HOME—JOHNSTON CASHIERED AND MACARTHUR KEPT IN ENGLAND.

OVERNOR BLIGH succeeded Governor King, and imparted a vigour into the conduct of public affairs which furnished a marked contrast to the policy of hesitation pursued by King. His conduct under the mutiny of the ship *Bounty*, of which vessel he was in command, fully proved that he was a man of dauntless courage and stern determination. If he had been a man of tact as well, his term of office would have been fruitful of more pleasure to himself and more immediate good to the colony over which he was sent to preside. He was full of zeal, but his zeal being accompanied frequently by excessive bluntness and outbursts of passion, it occasionally brought forth evil rather than good. Judging from his conduct towards them at the start, it may be inferred that Governor King, who had not then left the colony, had given him a fair knowledge of the unscrupulous character of the military and official hucksters, some of whose movements have already been recorded, and he was prepared to play at cross purposes with them from the commencement of his rule.

He manifested a violent dislike towards Captain John Macarthur, whom he evidently looked upon as the chief sinner, the leading spirit, in the camp of spoliators, whose names were being daily cursed by the poor and struggling settlers of the colony. Within a month of the Governor's landing Macarthur proceeded to Government House in order, as he afterwards put it, "to speak to him of *my* affairs." He sought to button-hole the Governor when walking in the garden, but the Governor gave him to understand, in language not of the mildest kind, that his affairs were of very secondary importance indeed, and roared out at him—"What have I to do with your sheep, sir? what have I to do with your cattle? I have heard of your concerns, sir; you have got 5000 acres of land in the finest situation in the country; but, by God, you shan't keep it?"

From this out Macarthur and the Governor were sworn foes. The former deserved some credit for his energy in the sheep-breeding line, but there were two sides to his character, and the Governor looked at the side which was certainly the largest—the side which revealed his connection with a clique who have been described as "clever, not very scrupulous, and wealthy men, of whom John Macarthur was undoubtedly the cleverest, the most wealthy, and perhaps in some respects the most unscrupulous." It was not to be supposed that such a man would submit to a snubbing with impunity, especially as he was backed up by powerful influence in England, which had secured for him, on representations that he would be able in time to supply the British woollen manufacturers with all the fine wool required, a grant of 5000 acres of land, with shepherds and "every other reasonable and proper means" for advancing his object. And as Macarthur was the leader of the class who had been

bound together so closely by the promptings of self-interest, war with him meant war with that class—the officers and ex-officers of the New South Wales Corps. The Governor at once proceeded to deal heavy blows at the spirit monopoly established by these men, among whom he at once became most unpopular, although by the small settlers and the wealthy emancipists he was held in high esteem.

The open rupture which took place between the Governor and the Macarthur “clan,” and which resulted in an act of rebellion and the deposition of the Governor has already been briefly sketched.

The events following Macarthur's liberation from gaol by his fellow officers are thus described by the Governor in the evidence given by him before the court martial at which Colonel Johnston was tried, in the year 1811 :—

“Immediately after the order for the release of Macarthur, there followed an operation of the main guard close to the gate of Government House, and the regiment marched down from the barracks, led on by Major Johnson and the other officers, with colours flying and music playing as they advanced to the house. Within a few minutes after the house was surrounded ; the soldiers quickly broke into all parts of it, and arrested all the magistrates, Mr. Gore, the provost-marshal ; Mr. Griffin, my secretary ; and Mr. Fulton, the chaplain. I had just time to call to my orderly-sergeant to have my horses ready while I went upstairs to put on my uniform, when on my return, as I was standing on the staircase waiting for my servant with my sword, I saw a number of soldiers rushing upstairs with their muskets and fixed bayonets, as I conceived to seize my person. I retired instantly into a back room to defeat their object, and to deliberate on the means to be adopted for the

restoration of my authority, which in such a critical situation could only be accomplished by my getting into the interior of the country adjacent to the Hawkesbury, where I knew the whole body of people would flock to my standard. To this situation I was pursued by the soldiers, and after experiencing much insult was conducted below by Lieutenant Minchin, who told me that Major Johnston was waiting for me. We passed together into the drawing-room, every part being crowded with soldiers under arms, many of whom appeared to be intoxicated.

“I then received a letter brought by Lieutenant Moore, and signed by Major Johnston, (calling himself Lieutenant-Governor), requiring me to resign my authority, and to submit to the arrest under which he placed me, which I had scarcely perused, when a message was delivered to me that Major Johnston wished to speak to me in the adjoining room, at the door of which he soon afterwards appeared, surrounded by his officers and soldiers; and in terms much to the same effect as his letter, he there verbally confirmed my arrest. Martial law was proclaimed, my secretary and my friends were prevented from seeing me, and I was left alone with my daughter and another lady.

“By Major Johnston’s orders several persons seized my cabinet and papers, with my commission, instructions, and the great seal of the colony. These were locked up in a room guarded by two sentinels, and several others were placed around the house to prevent my escape.

“The same evening committees were formed with a pretended view of examining into my government, but in reality to discover all such persons as were attached to me. In this Macarthur took an active part. On the following day Lieut. Moore came with Major Johnston’s orders and carried

away my swords and what fire-arms he found in the house ; at noon three volleys were fired by the soldiers and twenty-one guns from the battery, while the royal standard was displayed ; His Majesty's Commissary, the Provost-Marshal, the Judge-Advocate, and the Chaplain were suspended from their offices ; all the magistrates were dismissed, and others appointed in their room ; the most extraordinary and mutinous proclamations were issued, and even my broad pendant as Commodore on the station was ordered by Major Johnston to be struck. Thus was the mutiny complete ; those who were concerned in it had got possession of the government, had turned out all the civil officers and substituted others in their room, and imposed on me an arrest which continued from the time of the mutiny till the 20th February, 1809."

It may be mentioned here, as a rather curious fact that Governor Bligh's arrest took place on the twentieth anniversary of the foundation of the settlement—26th January, 1808.

Some of Bligh's enemies have charged him with cowardice on the occasion of his arrest, declaring that when the soldiers went to Government House he ran to the servants' room and hid under a bed ; but this was clearly disproved by him at Major Johnson's trial in England.

After the Governor's arrest Major Johnston assumed the reins of Government, but the very men who had made a catspaw of him in leading the rebellion were the first to thwart his efforts to properly conduct public affairs. Macarthur was virtually the Governor, although only holding office as Colonial Secretary, to which position he had appointed himself. Every officer and magistrate who was known to be favorable to Bligh was dismissed from office,

and personal friends, and members of "the mess," were put in their places. Even the chaplain, Rev. Henry Fulton, was suspended, the meek-faced rascals who had usurped authority and power having issued the following pious "General Order":—

"The Rev. Henry Fulton, is suspended from discharging in future the office of Chaplain in the colony."

"The officers, civil and military, are ordered to attend divine worship on Sunday next, at the New Church; and every well-disposed inhabitant is requested to be present to join in thanks to Almighty God, for his merciful interposition in their favour, by relieving them without bloodshed from the awful situation in which they stood before the memorable 26th instant."

Referring to this case, Bennet says—"The fate of this gentleman was singular. He had been exiled from Ireland for some participation in the rebellion of 1798. Here, on the contrary, he was punished for his loyalty!" He was father of one of the first settlers on the western side of the Blue Mountains, which had not at that time been crossed, and the name of Fulton is yet held in the highest esteem in the Bathurst and O'Connell Plains district.

The provisional Johnston-Macarthur Government carried matters with a rather free hand. They sent the deposed provost-marshal to gaol for a term, and sentenced the attorney who had drawn up the indictment against Macarthur to seven years' transportation. Thus they dealt with their enemies; but their friends they rewarded. Rum from the King's store; permits to land and licenses to retail ardent spirits; grants of land and Government cattle—these were distributed largely to that part of the free population who expressed approval of their measures; while friends not

free were freely pardoned and received lesser indulgences. "In this way," says Dr. Lang, "a number of persons of the worst character were turned loose upon the colony, to the great annoyance of the free settlers, and as an idea also got abroad among the convicts that the colony had now become free, and that it was no longer obligatory to labour, the result was a state of anarchy that produced a general neglect of the cultivation of the soil, and was otherwise distressing in the extreme to the well-disposed part of the population."


Governor Bligh was kept in confinement until he was superseded by Lieutenant-Colonel Foveaux, who had returned from England with the appointment of Lieutenant-Governor, and who in turn was superseded by Colonel Patterson. Bligh was then offered the command of a vessel to proceed to England, and after delays of little historical interest he sailed for England on 12th May, 1810, about six months after the arrival of the next Governor proper of the colony—Macquarie.

As previously recorded, Johnston was subsequently tried before a court-martial in England and cashiered; and Macarthur was prohibited for eight years from returning to the colony.

And the New South Wales Corps, or the 102nd Regiment, were ordered home; but not a few of the officers stayed behind to live upon the wealth which they had accumulated by extortion, violence and fraud. If for nothing else, Governor Bligh deserves to be held in everlasting remembrance by the colonists for the part he played in breaking up this band of wholesale plunderers.

CHAPTER VI.—GOVERNOR MACQUARIE—1809 to 1821

MACQUARIE'S PERSONAL CHARACTER—BRICKS AND MORTAR—ENERGY AND SELF-CONCEIT—RESTORATION OF ORDER—REINSTATEMENT OF THE OLD OFFICIALS—SMALL SETTLERS AND EMANCIPISTS—HIS PARTIALITY FOR THE LATTER—FIRST CONVICT MAGISTRATE—COLLISIONS WITH THE OFFICERS—THE GOVERNOR AND THE JUDGE—DISCOURAGING IMMIGRATION—LIBERAL GRANTS OF LAND—THE "EXCLUSIVES" COMPLAIN TO THE HOME GOVERNMENT—A COMMISSIONER OF INQUIRY SENT OUT—MINGLING OF THE MASS—ENCOURAGING SETTLEMENT—IMPROVING THE ROADS—OPENING THE COUNTRY—SKILLED LABOUR MONOPOLISED—GEOGRAPHICAL DISCOVERY—CROSSING THE BLUE MOUNTAINS—THE CONVICT EXPLORER—RAPID INCREASE OF STOCK—NEW SOURCES OF WEALTH—DEATH AGONY OF THE CONVICT SYSTEM—MACQUARIE'S RECORD—HIS RECALL.

OVERNOR MACQUARIE followed Bligh, and he assumed the Government of the colony on 28th December, 1809. Briefly put, he was a man of energetic action, self-reliance and determination, but a poor financier; a man of good intentions but terribly self-conceited, his chief weakness being the delight of affixing his name to everything requiring a name in the colony, whether public buildings, streets, rivers, or mountains. His hobby was bricks and mortar, and he rode it most unmercifully. The records show that during his administration, extending over twelve years, he caused to be erected in New South Wales upwards of two hundred buildings and in Van Dieman's Land about fifty, on the front stone of nearly every one of which the name of "Macquarie" was carved. Yet, not without reason, his era has by many been looked upon as the

commencement of the prosperity and rising greatness of New South Wales ; for he did more than any other Governor to open up the yet unexplored country and develop its natural resources.

One of Macquarie's first acts was the issue of a proclamation declaring the King's displeasure at the mutinous proceedings which had just previously taken place ; and this was speedily followed by another declaring null and void all the acts of the interim Government. All the officers who had been removed when Bligh was arrested were reinstated, and the power of the once dominant clique having been completely broken, the Governor himself being colonel of the regiment of the line which formed the garrison (the 73rd), the small settlers and emancipists were encouraged to hope for a season of quiet enjoyment of rights and privileges to which they had long been strangers. Their hope was more than fulfilled, as will be seen further on.

Macquarie's administration was chiefly remarkable for (1) the elevation of the emancipist class into higher positions of social, civil, and political life ; (2) the stimulus given to agricultural pursuits ; and (3) the successful exploration and settlement of new country.

He had a great partiality for the emancipated convicts, and went to extremes in seeking to raise them to the highest level of respectability. Within a month of his arrival he appointed to the office of the magistracy a Scotch convict named Thompson, who had amassed not a little wealth by dealing, and who, although possessed of considerable natural ability, was nevertheless not a man of good reputation. This act naturally gave great offence to the " aristocracy," whose pride and position had thus been literally dragged in the dust.

They protested and threatened, but the Governor met all their objections by the simple remark that there were but two classes in the colony to choose from—those who had been transported, and those who ought to have been. As a further mark of favour Thompson was admitted to the table of the Governor, and to that of the officers of the 73rd Regiment, although the members of the mess went as far as they dare in the direction of resistance. Other similar appointments followed, the object of making them evidently being to shew the convict class that good behaviour would bring its reward. Had the Governor used wise discrimination in distributing his favours the good results hoped for might have followed ; but he was not wise, and the opposition of the wealthy free colonists appeared but to goad him to excess of foolishness. His whole conduct towards the convicts may be described as foolish and dangerous favouritism, and one writer has declared that “ the circumstance of being notorious for a life of open and outrageous profligacy, was no impediment to promotion or employment under the government of Major-General Macquarie,” who at times appears to have acted on the principle that “ prosperous vice ought to be rewarded and encouraged.”

One of the first collisions which Macquarie had with the officers of his government occurred in connection with the establishment of the Supreme Court, shortly after the arrival in the colony of the first judge, on account of certain attorneys who had originally been transported, but whose sentences had expired, claiming the right to practice in the court. The Governor wrote to the judge strongly recommending the petition of the emancipist attorneys ; but the judge declared that he would not admit

as attorneys, nor administer the oath to persons, who had been transported to the colony as felons. The business of the court was suspended; Macquarie reported the judge to Earl Bathurst, then Secretary of State for the Colonies; and the strait-laced judge was recalled "on account of conduct which could admit of no justification." Thus, in the highest quarters, Macquarie fought for and with those who wished to regain the positions which they had lost in the old country.

But he did not rest with this, and here it is that his folly was made more apparent. From the first he appears to have discouraged the influx of free settlers, a steady though small stream of which had set in towards the colony, the attraction doubtless being the liberal offers of grants of land and cheap labour made by the Home Government to those who chose to try their fortunes at "Botany Bay," those who came being for the most part small capitalists; and while doing this he did everything in his power to "bring on" the convicts who were not in chains.

Referring to this period, Bennett says:—"The opposition which the wealthier portion of the free settlers shewed to Macquarie's policy of elevating some of the emancipists to the magisterial bench and to social equality with themselves, was met on his part by daily-increasing manifestations of favour towards those on whose support he was in a great measure driven to rely. He saw that his predecessor had been deposed by a few wealthy colonists and their military friends, and self-preservation suggested the desirability of raising up a class on whom he could calculate with certainty; and whose numbers, rapidly increasing wealth, and daily extending influence, would be sure to be exerted in opposition to those who had so long been dominant. With the view of encouraging the class of emancipists, Macquarie did not hesitate to

depart from the practice of his predecessors, which had been to give grants of land only to free or freed persons of good character. His opponents say that he bestowed farms on all whose sentences had expired, without requiring the slightest evidence that they were worthy of such favours. Many of these men—indeed, the majority of them—averse to the practice of honest industry, soon disposed of land so easily acquired. A few quarts of rum, or any other means of gratifying their passion for present and sensual indulgence, offered too great a temptation to be resisted by people of their habits and character. . . . The opposition he manifested to the introduction of a free immigrant population and his avowed opinions in favour of the prison class, were so strong as not only to put a complete stop to the influx of the former during the greater part of his administration, but to create and sustain an opinion among the latter that they alone had any right in the colony, and that the others were intruders whose presence ought scarcely to be tolerated.”

Macquarie distributed his land grant favours with a most liberal hand, and identified himself so closely with the emancipists' cause as to incur the undying enmity of the wealthy freemen, or “exclusives,” who harassed him continually, and whose murmuring even found utterances in the House of Commons. They formulated charges against him of various kinds, and a special commissioner (Mr. Bigge) was despatched by Lord Bathurst to inquire into the condition of the colony. That gentleman's report was very exhaustive and voluminous, and to it may be attributed Macquarie's recall, it being considered that three things, at least, had been proved against him, namely:—excessive expenditure upon useless or unnecessary buildings; the want of proper checks, and the consequent waste in the

disposal of the public stores and materials ; and the glaring disregard of cleanliness, propriety, and decency in the management of the female convicts. The list of public works executed under his orders fills ten closely-printed pages of a Parliamentary Report, and includes not fewer than 250 items, the chief being barracks for troops, stores for provisions, hospitals, public offices, churches, school-houses, quays, wharfs, watch-houses and police offices. During his administration 276 miles of road were constructed, with all necessary wooden bridges, some of them being of large dimensions.

But although Macquarie's efforts to elevate the emancipists were not directly successful, in after years the fruit appeared, and the "tainted herd" became merged in the general mass of the population ; their descendants, if not themselves, enjoying all the privileges and blessings obtainable by the descendants of the "Pure Merinos" who had bleated so loudly during Macquarie's rule ; so that as to-day one class stands cheek by jowl with the other in private, social, and public life, not even a policeman of the olden time (if there be one living) can tell the difference between them.

In no direction was Macquarie's energy more vigorously exercised than in improving the condition of the rural population. From the first he took a deep interest in their welfare, and shortly after his arrival personally went through most of the country districts, in order to see for himself the condition of the people and what improvements in their habits, mode of living, and pursuits could be effected. The result of his observations was published in a General Order on his return to head quarters, and the following paragraph from that Order will shew the condition of affairs rural during

the first year of his administration :—" His Excellency **cannot** forbear expressing his regret that the settlers in general have not paid that attention to domestic comfort which they ought to do, by erecting commodious residences for themselves, and suitable housing for the reception of their grain and cattle ; nor can he refrain from observing on the miserable clothing of many of the people, whose means of providing decent apparel, at least, are sufficiently obvious to leave them without any excuse for that neglect. His Excellency therefore earnestly recommends and trusts that they will pay more attention to those very important objects ; and, by a strict regard to economy and temperance, that they will, on his annual tour, enable him to give a more unqualified approbation to their exertions."

And he did not simply preach to them. He acted with and for them, working to bring them within easy reach of the only market available by improving the roads leading thereto, and which had received but scant attention before his arrival. He also set an example in the building line, already referred to, and employed nearly all the skilled labour available from the ranks of the Government ; but the buildings being for the most part in and around Sydney, those settlers who lived away from the centre did not derive any advantage from the erections. Even when, through his vigorous encouragement of exploration and settlement, the operations of the settlers were carried beyond the mountains, he did not awake to the fact that he was preserving a monopoly of the labour requisite to the carrying out of his advice ; and in this way he really hampered the general building work, private enterprise being cramped for want of the assistance of the mechanics who were kept by the Governor under his own eye while carrying out his building hobby. The settlers

~~complained~~ loudly, but to no purpose—all the skilled labour was kept in Sydney and the other towns which were growing up, and an official account shews the Governor's folly in this respect.

Of the skilled mechanics who arrived in the colony during the years 1814 to 1820, the Government retained 269 blacksmiths out of 284; out of 337 carpenters, all but 16; and out of 284 bricklayers and brickmakers, all but five. Hence the perpetuation of bark and slab hovels, and the slow growth of private buildings with any pretensions to decency or stability in fact or appearance. With this exception, however, Macquarie's efforts to improve the condition of the settlers—immigrants and emancipists alike—were honest and earnest, and they were fruitful of good, a stimulus being given to intelligent cultivation of the soil, which not only benefitted the individual settler, but the now rapidly developing colony whose history was being built up. He granted cattle, sheep and goats from the Government herds, to be paid for in grain, with eighteen months' credit, and offered every inducement possible to the rural population to rise to a higher level in profitable industry and social life.

The work of geographical discovery in which Governor Macquarie engaged, and which he pursued with remarkable determination and vigour, was in itself sufficiently meritorious to place his name on the first page of the history of Australian colonization. When he assumed the Government the colony consisted simply of a narrow strip of land, extending about eighty miles along the coast to the north and south of Port Jackson, and bounded on the west by the hitherto impenetrable barrier of the Blue Mountains.

Repeated attempts had been made to pierce this barrier, but without success. The first attempt was

made by Captain Paterson, the African traveller, in 1793; but he met so many obstacles in the shape of impassable precipices, &c., that he returned after having covered only a dozen miles from the junction of the Grose and the Hawkesbury Rivers. About this time other unsuccessful attempts were also made by Lieutenant Dawes, Captain Tench, and others. In 1794 one Hacking, quartermaster of the *Sirius*, essayed the task, but returned foiled after penetration about 30 miles beyond the Hawkesbury. Two years later Mr. Bass, the discoverer of the straits bearing his name, made the attempt, entering upon the work with ropes, ladders, cords, iron hooks, and every other appliance which he deemed necessary for accomplishing the task; but after fifteen days of unparalleled fatigue and suffering from hunger and thirst, he also returned defeated and crestfallen—the country to the westward of the giant hills remaining still secret and mysterious. And when the mountains were pierced a little later on the record of the fact was too strange for acceptance, and it was cast aside by the authorities as unworthy of credit. In 1799, during Governor Hunter's administration, a convict named Wilson, who had lived for several years with the blacks, undertook the work of exploration, taking with him a free servant of the Governor and four other convicts, to carry provisions and render other assistance.

That Wilson succeeded, not only in crossing the Blue Mountains, but in penetrating the country westward as far as the Lachlan river, does not admit of doubt, and the writer believes that to him must the credit be given of being the first white man to scale the heights and pierce the gloom of that ponderous curtain of rocks and trees which for so many years had hidden the beautiful lands of the western interior

from the eyes of the men who had assumed possession of Australian soil. On his return he gave to the Governor an account of the distance he had travelled, the nature of the country through which he had passed, and the adventures he had met with—and his story, although discredited by everyone but the Governor, in after years received ample confirmation. He estimated the most remote place which he reached as 130 miles south-west by west from Parramatta, and said that eighty miles west he had found coal and limestone, and twenty miles beyond, to the north, an open and thinly wooded country. The stream at the termination of his journey he described as almost as wide as the Hawkesbury, and sluggish, but running apparently from south-east to north-west. It was apparently this fact which caused the wise men and mighty of that day to discredit Wilson's story. They could not understand that a large river should run backwards from the sea, and their faith was then as small a quantity as their knowledge and experience. They afterward learned that the river did really run inland, but it is questionable whether they even then bethought them of Wilson's wonderful services and story. So little value was attached to the account given by this enterprising convict that not only was no action taken to follow up his work, but no authentic narrative thereof was preserved. Had Governor Hunter been cast in Macquarie's mould, who knows but that his name would have been perpetuated in the waters of a river in the west, instead of one in the north; that Macquarie Plains would have been Hunter's, and that the City of the Plains—Bathurst—would have been twenty years older than it is!

Between this time and 1813, two other attempts were made to cross the mountains, but without success, and then

followed the courageous and successful journey of Messrs. Gregory Blaxland, W. C. Wentworth and William Lawson—three names which will live as long as the mountains which they crossed shall stand, although the credit given to them of being the *first* white men to accomplish the feat is not properly theirs. In more senses than one the debt the colonists owe to the convicts is greater than that they owe to the free men for whom those convicts worked.

The effort of the three gentlemen named was rendered necessary by the rapid increase of the live stock of the colony, which at that time amounted to 65,121 sheep, 21,543 cattle, and 65,121 horses, and the limited pasturage of which had been rendered more limited by reason of a serious and long-protracted drought. The exploring party ascended the mountain ridge that abuts upon Emu Plains on the banks of the Nepean River; and following that ridge in all its multitudinous windings, they at length, after encountering great difficulties and hardships, reached its termination at Mount York, twenty-five miles due west of Emu Plains, and which looked down upon the valley afterwards called the Vale of Clwyd. This was the limit of their discoveries, and they returned to Sydney to report progress to the Governor, who without loss of time despatched Deputy-Surveyor Evans to follow up their track and explore the unknown country to the westward. The result of this expedition was the discovery of the famous Bathurst Plains, and the Macquarie and Lachlan Rivers.

Three years later the Governor despatched the Surveyor-General of the colony, Mr. John Oxley, on an exploring expedition on the Lachlan, and he traced that river down for upwards of 400 miles to what he considered its termination in extensive morasses; although had he continued his

journey for a few hours longer he would have discovered where it joined the Murrumbidgee, one of the finest rivers of interior. It was on his return journey that he crossed that fine tract of country, Wellington Valley. During the following year Oxley followed the Macquarie until it lost itself in the level country, spreading out, as he supposed, as the commencement of a great inland sea.

In the meantime the country to the south was being explored and opened up by Hume and others, and two years before Macquarie's departure the discoveries in that direction had been pushed as far as the Murrumbidgee. In these journeys Goulburn plains and a great part of the county of Argyle was opened up. By these important discoveries the area of the colony was increased enormously, and new sources of wealth were brought within reach of those enterprising colonists who were panting for larger room and freer air.

Macquarie took the greatest interest in this work of exploration, and it is more than probable that he would himself have been found pushing through bushes, fording rivers, and scaling rocks in the search for new country, if his presence had not been necessary at headquarters. As a proof of the interest he took in the work, as soon as the discoveries were made known, he saddled horse and visited the new land to the west and to the south, going as far as Bathurst in one trip and Goulburn in the other. The full account of these discoveries, which formed such an important stepping-stone to the accomplishment of that colonization which has been one of the chief events of the nineteenth century, will be given when the subject of life in the interior is being dealt with further on. Suffice it now to say that under Macquarie's administration the key was found of that

barrier which had shut out from the world a land containing within itself possibilities of wealth and greatness second to those enjoyed by no other country in the world.

It has been well said of Macquarie by one writer :—
“ He found New South Wales a gaol, and he left it a colony ; he found Sydney a village and he left it a city ; he found a population of idle prisoners, paupers, and paid officials, and he left a large free community, thriving on the produce of flocks and the labour of convicts.” Yet, even then the tone of society in the population centres was horrible. There was no educated or honourable class, no church worthy of the name ; no schools except for the wealthy, and those taught chiefly by convicts ; there were slave masters who sold rum, and slaves who drank it ; an autocrat surrounded by parasites, whose fortunes he could make by a stroke of the pen. Virtue and honour were as scarce as freedom, and wretchedness and prosperity embraced in the persons of individuals and the community.

Macquarie had been in the colony about ten years when the commissioner of inquiry, Mr. John Thomas Biggs, was sent out from England to report fully upon the condition of life in the new possessions, the institution of this inquiry being partly the result of representations made in a work published by Mr. W. Wentworth, during a visit paid by him to England for the purpose of being called to the Bar. The inquiry occupied two years, and its publication for the use of the House of Commons had considerable effect in directing the attention of the British public to the resources of Australia, eventually leading to the influx of a superior class of emigrants ; and from this date there was a marvellous outreach towards prosperity.

The first fitful throbbings indicating the death agony of the penal system of the colony were now heard, and the first breathings of that free national life now in full vigour were observed. When Macquarie was recalled in the latter part of 1821, after having held the reins of government for twelve years, the colony was undergoing a change which in its completion was to exhibit New South Wales to the world as the grandest instance of successful colonization ever recorded in history, and not a few of the blessings this day enjoyed may be traced to the vigor of Macquarie's administration. Even in his day the progress towards freedom and greatness was well marked, and he had the satisfaction of recording to the Home Government a few facts indicating the material progress that had eventuated during his term of office. Here are a few extracts from a communication which he addressed to Earl Bathurst almost immediately after his his return to England:—

“I found the colony barely emerging from infantile imbecility, and suffering from various privations and disabilities; the country impenetrable beyond forty miles from Sydney; agriculture in a yet languishing state; commerce in its early dawn; revenue unknown; threatened with famine; distracted by faction; the public buildings in a state of dilapidation and mouldering to decay; the few roads and bridges formerly constructed rendered almost impassable; the population in general depressed by poverty; no public credit, nor private confidence; the morals of the great mass of the population in the lowest state of debasement, and religious worship almost totally neglected. Such was the state of New South Wales when I took charge of its administration on 1st January, 1810. I left it in February last (his communication is dated July, 1822), reaping

incalculable advantages from my extensive and important discoveries in all directions, including the supposed insurmountable barrier called the Blue Mountains, to the westward of which are situated the fertile plains of Bathurst; and, in all respects, enjoying a state of private comfort and public prosperity, which I trust will at least equal the expectation of His Majesty's Government. The change may indeed be ascribed in part to the natural operation of time and events on individual enterprise: how far it may be attributed to measures originating with myself, as hereinafter detailed, and my zeal and judgment in giving effect to my instructions, I humbly submit to His Majesty and his ministers.

"Statement of Population, &c., (including Van Dieman's Land) :—

	March, 1810.	Oct. 1821.
Population, including military ...	11,590	38,778
Horned Cattle ...	12,442	102,939
Sheep ...	25,888	290,158
Hogs ...	9,544	33,906
Horses ...	1,134	4,564
Acres cleared and in tillage ...	7,615	32,267

"On my taking the command of the colony in the year 1810, the amount of port duties collected did not exceed £8000 per annum, and there were only £50 or £60 of a balance in the Treasurer's hand; but now duties are collected at Port Jackson to the amount of from £28,000 to £30,000 per annum. In addition to this annual colonial revenue, there are port duties collected at Hobart Town, in Van Dieman's Land, to the amount of between £8,000 and £10,000 per annum."

Governor Macquarie may have been fussy and conceited, but he was withal active, energetic, prudent and patriotic ;

and at this long distance from the time when he administered the affairs of the colony we can look back and share in the honest pride which he displayed when rendering an account of his stewardship. He died in England in 1824, two years after leaving the colony for whose material advancement he had so diligently laboured.

CHAPTER VII.—GOVERNOR BRISBANE—1821 to 1825.

A WEAK ADMINISTRATOR — STRUGGLE FOR SUPREMACY — EMIGRANTS *versus* CONVICTS — RELIEF IN STAR-GAZING — MILITARYISM AGAIN RAMPANT — REVIVAL OF MONOPOLY — IMPORTANT DISCOVERIES — TRIAL BY JURY — FIRST CHIEF JUSTICE — LIBERTY OF THE PRESS — REACHING AFTER SELF-GOVERNMENT — FIRST CONSULTATIVE COUNCIL — FLUCTUATING MARKETS — A FINANCIAL CRISIS — GREAT DISTRESS — PROTECTION TO CABBAGE STALKS — DINING WITH EMANCIPISTS — AN INTERREGNUM — “GOVERNOR” STEWART — THE TRUE STORY OF HIS LAND GRANT.



GOVERNOR BRISBANE succeeded Macquarie, and entered upon his duties on 1st December, 1821. He was eminently unfitted for his position, for although a soldier he was weak and vacillating, and too much given to transferring to others the duties which he himself should have performed. At this time the struggle for supremacy between the different classes was at its height, and it required the vigorous brain and strong determination of a powerful, courageous man to guide the affairs of State, between the unscrupulous grasping of the disappointed military, the forceful demands of the wealthy emancipists for the restitution of legal and other rights, and the clamoring of the free settlers of the humbler class—retired soldiers and sailors and emigrants—who, although generally taking sides with the emancipists against the “pure merinoes,” as the official

aristocrats were called, were not unmindful of the claims of "Number One." Brisbane neither had the courage nor the tact to manage matters properly. He was tossed hither and thither between the contending forces, and in order to escape from the clamour he made himself a retreat at Parramatta, where he established an observatory and devoted himself to the pursuit of scientific studies, seeking rest from the turmoil and strife of active official life in the quiet contemplation of the stars. Events did not stand still, however, and during his administration several important changes took place. The old monopolising and domineering spirit, which had been checked by Macquarie, broke out stronger than ever, and militaryism re-asserted itself, the Governor having practically to stand aside while officials help themselves and each other to place and power, and divided the land in great slices between them.

Concerning this matter one writer says:—"The little clique of exclusives appear to have regarded themselves as the only persons whose claims to grants of land, to convict labour, or to social recognition by the Governor, ought to be considered for a moment. Already many of them were possessed of enormous landed properties; their farms were cultivated by prison labour, their houses built by prison labour, their furniture made by prison labour, and all their servants were prisoners. There was a constantly increasing commissariat expenditure on account of convict management and for the supply of convict food and necessaries; and a large part of this expenditure went into the pockets of the more wealthy settlers, in payment for maize, wheat, beef, and other food grown, and articles of clothing made, by the labour of the very class on whose account the expenditure was incurred. In fact, the Government gave the land,

supplied the labour to cultivate it, and then purchased the produce. It was barely possible for persons with such singular advantages to escape becoming wealthy. . . . When again in possession of the reins of power (during Brisbane's rule) all the influence that they could exercise in their recovered position was fully taken advantage of, and this, bearing in mind what has been stated respecting the wealthy land-grasping emancipists (one well-known Sydney grog-seller being possessed of over 20,000 acres of freehold land, purchased from grantees for a few gallons of rum), will afford an insight into the circumstances under which a comparatively small number of colonists were enabled to acquire estates which, whether regarded in reference to their wants or to their means of turning them to useful account, were enormous in extent; and, being the pick in point of soil and situation of the whole country, were of vast prospective value."

It must be remembered that at this time the land to the westward was open and available; and that large slices of that territory should be seized by these insatiable sharks was a very natural circumstance. And it was also a very natural circumstance that the communal interests created in years following in that territory should suffer through the locking-up of the land so easily "grabbed."

Among the most important events during Governor Brisbane's term of office were the following:—The institution of a Legislative Council; the establishment of trial by jury; the formal acknowledgment of the liberty of the press; important discoveries of new country; and the steady inflow of immigration from the mother country.

The publication of Commissioner Bigg's report had, as already stated, awakened the public of Great Britain to

the fact that the far-off South Land furnished a splendid field for enterprise, and towards the latter part of Macquarie's administration a tide of emigration set in which was at full flow when Brisbane arrived, and it continued with steadily increasing volume during the whole period of his government. As it was chiefly persons who could afford employment to convicts who were desired by the Government, the Home authorities held out grants of land to those only who could produce certificates of their possessing capital of at least £500, and consequently the greater number who came were possessed of means to enter at once upon the work of development. Concerning these, Dr. Lang says:—"Some of them had been gentleman farmers, others were the sons of respectable land-holders in the mother country; some of them had been unfortunate in mercantile speculations, and others had just saved the remains of a property which they found daily diminishing at home, to form the nucleus of a better fortune abroad; some were actuated by a spirit of adventure, while others had been impelled to emigrate by the pressure of the times. These emigrants, according as each preferred a particular locality, settled, for the most part, either in the agricultural and pastoral country adjoining the Cawpastures, or on the open plains of Bathurst, beyond the Blue Mountains, along the thickly-wooded banks of the Hunter and its two tributary river, or in what was then called the New Country, or the district of Argyle. The general extent of their grants was from 500 to 2,000 acres. Rations from the King's stores were at first allowed to each settler, and a certain number of convict servants apportioned according to the extent of his grant, for the term of six months after he had taken possession of his land; and he was also allowed a certain number of cattle from the Government herds, as a loan to be

repaid in kind in seven years; but, in consequence of the number of emigrants rapidly increasing, these indulgences were afterwards discontinued." Thus it was that a superior class of settlers—many of them with the requisite knowledge and energy to make the new soil smile its loudest in fruitfulness—were located in the opening districts west, south and north of the populated centre.

Four very important discoveries inland were made during Brisbane's administration. In 1823 the Maneroo Plains were explored by Captain Currie, R.N. In the same year Mr. Oxley, Surveyor-General, explored Moreton Bay and discovered the Brisbane River, leading to the fine semi-tropical country of Queensland. In the year following Hovel and Hume made their overland journey to Port Phillip; and in 1825 Mr. Allan Cunningham discovered Pandora's Pass, affording the only practicable road from the Upper Hunter to the pastoral uplands of Liverpool Plains. The full importance of these discoveries was not seen until "after many days," but they were neither more nor less than the opening of the most important doors leading from the smaller to the greater.

The Imperial Act under which civil juries were first impanelled in New South Wales was 4th Geo. IV., cap. 96, and Mr. Francis Forbes was appointed thereunder first Chief Justice of the Supreme Court. That gentleman arrived in Sydney in March, 1824, but soon after his arrival found that the Act and Charter contained no authority whatever for impanelling civil juries in criminal cases, and only in civil actions where both parties to the suit were agreed that such a course should be adopted. The Act was to continue in force four years, and under its authority crimes and misdemeanours were to be prosecuted by information in the

name of his Majesty's Attorney-General, and tried by the Chief Justice and a jury of seven commissioned officers of his Majesty's sea or land forces; while all civil cases were to be tried by the Chief Justice and two magistrates, sitting as assessors, unless, as before stated, both parties to the suit agreed to have a jury, in which case the trial was to be before the Chief Justice and a jury of twelve civilians. In the interests of all parties Chief Justice Forbes extended the principle to the lower court, and civil jurors sat in Courts of Quarter Sessions, although the magistrates offered strong objection—so hard is it for mortals to renounce arbitrary power when once they have experienced the pleasure of its exercise.

There was a long and bitter struggle, extending over a considerable period, between the different sections of the community—the “exclusivists” fighting for the retention of power and the judge fighting with the people for the first instalment of constitutional liberty. In this struggle the exclusive few, who wished to retain power over the liberty and property of their fellows, were eventually successful, and in 1828 there was a return to the old system of military juries in Courts of Quarter Sessions as well as in the Supreme Court, a system which existed until the principle of self-government began to operate in the colony.

The year 1824 was also rendered remarkable by liberty of the press being conceded, and the publication of the *Australian*, the first colonial newspaper independent of Government aid, published by Mr. Wentworth and Dr. Wardell. The *Monitor* was also shortly afterwards established, Mr. E. S. Hall being editor and proprietor. “Both these newspapers,” says Bennet, “were conducted with far more than average ability, and their editorial columns presented a

marked contrast to the fulsome flattery of Government officials, and the inane twaddle on other matters, which characterised their older rival, the *Sydney Gazette*." Concerning the press it may now be said "the little one has become a thousand!"

During this period, also, the first step towards that large share of self-government which Australia now enjoys was taken. On 11th August, 1824, there appeared in the *Sydney Gazette*, a proclamation announcing that his Majesty had been pleased to institute a Legislative Council for New South Wales. The first members of this Council consisted exclusively of Government officers, and were only six in number, namely:—William Stewart, Lieutenant-Governor; Francis Forbes, Chief Justice; Frederick Goulburn, Colonial Secretary; James Bowman, Principal Colonial Surgeon; and John Oxley, Surveyor-General. Subsequently Mr. John Macarthur, of Camden, was added to the list. The first session of the new Council was a very short one, and only one Act of a single clause was passed—an Act to legalise promissory notes and bills of exchange made payable in Spanish dollars, which were then the ordinary currency of the colony.

Governor Brisbane was peculiarly unfortunate in his financial measures, but in this matter, as in others, he appears to have been simply the means of giving effect to the schemes of interested parties in power. It had been usual under previous governors to purchase the surplus grain from farmers at the current prices of the day. The Government was almost the only purchaser, and to the Government the agriculturists looked for a certain share of their profits, the only cash received by the smaller settlers during the year being from the commissariat. The Government needed the

provisions to feed the large number of "children" born to the heritage across the water. But Brisbane adopted the contract system and invited tenders for the quantity required at the lowest price. The small farmers, unused to calculate the effects of open competition, rushed forward to the Government stores with such eagerness that the price of wheat speedily fell from 10/- and 7/6 per bushel to 3/9 per bushel; and the colonists, reading over-production between the lines of low prices, proceeded to feed their pigs with the grain they had grown. But as the season advanced it was discovered that the harvest, so far from being plentiful, was deficient; wheat rose to as high as £1 4s per bushel, and those who had sold cheap had to re-purchase at a high figure to secure food, and a crisis set in. To make matters worse the Commissary-General and the Colonial Secretary induced the Governor to suddenly change the circulating medium from sterling to colonial currency, with the immediate result of raising the pound sterling twenty-five per cent. above the pound currency, and upsetting commercial relationships all round, the small settlers, who had contracted debts upon the old lines, being the chief sufferers. The colony was threatened with famine, and for a time the greatest distress prevailed, the Government being put to the greatest straits in seeking to secure a sufficiency of supplies. So pressing was the need that a proclamation was issued prohibiting the rooting up of cabbage-stalks!

It was no wonder, under these circumstances, that Brisbane should become unpopular, and orders came from England for him to be "relieved," at the close of the fourth year of his government, he having served from December 1821 to December 1825. Before he left he sought to please and benefit the emancipists by sitting down with a company of

them to dinner—an act of grace which the “pure merinos” resented with characteristic warmth. To eat out of the same dish with “branded cattle” would have been as hurtful to them as contact with an alien of the lowest type would be to a Mussulman.

THE INTERREGNUM.

During the interregnum of nineteen days between the departure of Brisbane and the arrival of his successor, Sir Ralph Darling, the Government was administered by Colonel Stewart, of the Third Regiment, or Buffs, and who afterwards became Major-General, and resided on his large estate near Bathurst.

Of this gentleman's administration very little has been recorded. He simply held the reins of the coach until the new driver climbed to the seat. It was currently reported, however, that in one respect he was remarkably active. This is what was said: Other Governors had invariably looked forward to their return to their Mother land at the expiration of their term of service: Colonel Stewart had decided to make his permanent home in the penal colony. Other Governors had been liberal in making large grants of land to residents or intending residents: Colonel Stewart was more “canny,” and availed himself of the privilege of doing good to the person who in his own opinion was most deserving of good. He therefore secured for himself an immense tract of grazing and agricultural land near Bathurst, and lived to work and die upon it, his remains being interred in a vault upon the highest peak thereof, and from which peak an extensive view of the country around was to be obtained, the major portion of which country was included within the boundaries marking the “original grant” secured by self-payment of eighteen

days' patriotic service! All this was generally believed, even in the district where he settled, until the present year—1888—when a Sydney newspaper having repeated the story was thus addressed by Mr. J. H. Stewart, son of the Major-General, who still lives on the Mount Pleasant Estate :—

“Sir,—In your last week's issue you give a very erroneous account of the manner in which my late father acquired this property. Had it referred to myself alone I would not trouble to correct it; but, as it throws a stigma on a revered parent now deceased, and also as you are at present writing out an history of the early days of the colony, it seems only right that I should give you a true statement regarding this matter. My father reached Sydney in May, 1825, in command of the 3rd Regiment of Buffs, and with the appointment of Lieutenant-Governor. He also brought with him an order from the Imperial Government for the selection for 3,000 acres of land in any part of the colony he might desire. This quantity was only 1,000 acres more than was usually given to those settlers who could deposit £1,000 to their credit in some bank in Sydney for the few days necessary to secure the grant. My father got his 3,000 acres from the Duke of York as a reward for his military services in the Peninsular War, where he commanded the Buffs in two general actions, besides minor affairs; and he obtained a gold medal for Albuera, in which battle his horse was killed under him by a Polish Lancer. General Darling left the colony soon after my father's arrival, and he acted as full Governor untill Sir Thomas Brisbane reached the port. But it was not until long afterwards, viz., in 1827, that he made his selection near Bathurst. The Macquarie was taken up along its north bank at a very early period, but the south side of the river was reserved for a Government cattle

station, and no one was allowed to cross the stream without a pass from a magistrate. About the year 1826 pressure began to be brought for opening the lands on the Bathurst side, and my father secured a promise of first selection; but his multifarious duties in Sydney long prevented his getting away to make it. I have in my possession a letter to him from the Governor requesting, as a personal favour, that he would run up to make his selection, as the number of applicants for the new country had become so great that they could not any longer be restrained. He then made a hurried trip across the mountains, and selected his 3,000 acres on the west side of the parish of Mount Pleasant, along Evans' Plains Creek, but not including the Monument Hill, where his remains now rest. In 1828 he was sent on to India with his regiment, but before leaving he secured a lease of the remaining portion of the parish, containing about 12,000 acres. On arrival at Calcutta he was appointed commandant at Meerut, where he remained for four years; and in 1832, when he was raised to the rank of Major-General, he left the army on half-pay, and returned to look after his grant of land at Bathurst, intending shortly to return to Scotland for his family, whom he had left on his paternal estate in Caithness. While arranging his affairs we surprised him by our unexpected arrival in Sydney, whither we had been forwarded, without any authority, by his agent, Sheriff Horne. Being now advanced in years, my father decided to settle in the colony, and he then purchased the 9,000-acre block where the monument on the hill and the mansion house stand, adjoining his primary grant, at the upset price of 5s per acre; and it was not until 1838 that he secured the 2,400-acre block at the southern side of the parish, for which he paid 12s. per acre, the upset price having by that time been

raised. This is the simple story of the purchase of the Mount Pleasant estate, and, as you have published a very different version of it, I think I have a fair claim upon you to investigate the facts and to give the same publicity to the result of your inquiries.

“Faithfully yours,

“J. H. STEWART.”

Thus we see how long-lived some lies are. One act of the Colonel when serving as Lieutenant-Governor will show what sort of man he was. When Brisbane left several prisoners were under sentence of death, and in the exercise of his gubernatorial functions the Colonel had their sentences commuted to penal servitude. It was a bold thing to do in the days when hanging was the height of fashion.

CHAPTER VIII.—GOVERNOR DARLING—1825 to 1831.

RED TAPE ADMINISTRATION—A STORY OF BRUTAL CRUELTY—SUITES OF SPIKED IRON—UNLIMITED LASHING—AUSTRALIAN AGRICULTURAL COMPANY—LAND GRANTS—EMIGRANTS’ DIFFICULTIES—LOCAL LEGISLATION—THE GOVERNOR AND THE PRESS—THE “GAGGING ACTS”—ACTIONS FOR LIBEL—THE LEGISLATIVE COUNCIL—FURTHER SUCCESSFUL EXPLORATIONS—POPULATION.



GOVERNOR DARLING entered upon his duties on 19th December, 1825, and continued in office until October 1831. It has been truly said of him that he was “a man of forms and precedents, of the true red-tape school—neat, exact, punctual, industrious, spiteful, arbitrary, commonplace.” The manner in which he endeavoured to reduce into order the confusion he found in the public departments furnished proof of his neatness and exactness. His punctuality and industry were displayed in the fact that

he personally considered every case and perused every letter which reached head quarters. His venom and arbitrariness found exercise in treating the convicts with great severity, and in efforts to crush the newly-born press which dared to raise its voice against gubernatorial cruelty. One act of tyranny committed by him was alone sufficient to render him infamous, and although the narration properly belongs to a separate division of this quasi-historical work, the story may fittingly be told here, as it stands out in the history of the colony as a sort of land mark of the termination of the Algerine system of Government, showing how gross an outrage on law, justice and constitutional right could be perpetrated by an Englishman reigning over Englishmen. Here is the story :—

Sudds and Thompson were two soldiers of the 57th Regiment doing duty in the colony in 1825. Thinking the lot of convicts preferable to their own, by reason of the indulgence granted and the opportunities for amassing wealth offered to that class, they committed a felony, by stealing a piece of cloth from a shop in George-street, Sydney, for the express purpose of getting themselves convicted, believing that after a short sentence they should emerge into a condition that would enable them to enjoy the privileges and opportunities enjoyed by the many favored emancipists. Arrest, trial, conviction, and sentence followed, as they desired, the sentence being transportation to one of the auxiliary penal settlements for seven years. In the course of the trial, however, the motive leading to the commission of the crime was fully revealed, as was also the fact that there was wide-spread discontent among the military on account of the inferior position they were compelled to occupy. Fearing that the discipline of the troops would

be seriously endangered if a check was not put upon these low-bred aspirations, Sir Ralph Darling, himself a military man, determined to take the men out of the custody of the civil power, and teach them and their fellow soldiers a lesson they would never forget. He issued a General Order in pursuance of which the two men were taken from the custody of the gaoler and brought to the Barrack-square in Sydney, where, in presence of the military, it was announced that their sentence had been changed to *seven years hard labour in irons on the roads*, and that on the expiration of their sentence they were to be returned to their regiment. But this was not all. The Governor invented a special form of "ironing" to suit the regimentals. The two men were stripped of their uniform and clothed in the convict dress; *iron collars* with long projecting spikes were then rivetted round their necks and fetters and chains rivetted on their legs. They were then drummed out of the Regiment and marched back to gaol while the band played "The Rogue's March." What followed is best told in the words of the only one of the two who survived to tell the tale. Suds, who was in bad health at the time, overcome with grief, shame, and disappointment, which was not at all relieved by the heat of the sun on the day of the exposure in the Barrack-square, re-entered the prison only to die, and this is the manner in which his fellow-prisoner, Thompson, described the new experience of prison-life, when examined on board the Phoenix hulk:—

"We were taken to the parade ground and the regimentals taken off us, and a suit of yellow cloth put on each of us, and a General Order read to us by Brigade Mayor Gillham, by the order of his Excellency General Darling. After the Order was read to us a set of irons was put on each of us. The irons consisted of a collar which went round each

of our necks, and chains were fastened to the collar on each side of the shoulder, and reached from thence to the basil, which was placed about three inches from each ankle. There was a piece of iron which projected from the collar before and behind, about eight inches at each place. The projecting iron would not allow me to stretch myself at full length on my back. I could sleep on my back by contracting my legs. I could not lie at full length on either side without contracting my legs. I could not stand upright with the irons on. The basil of the irons would not slip up my legs, and the chains were too short to allow me to stand upright. I was never measured for the irons, and Sudd's collar was too small for his neck, and the basils for his legs, which were swollen. I never heard him say he had the dropsy in the West Indies. Sudds was turned out of the hospital the morning of his punishment, and taken to the barracks about an hour afterwards. Sudds was taken from the hospital to the Session on the 6th November. [The inquiry was held on 23rd April following] ; he appeared to be very ill, insomuch that the man who was handcuffed with him was obliged to sit down on the grass in the court yard in order to enable him to lie down. He continued in that way until after the trial.

“After the yellow clothes and the irons were put on us in manner before mentioned, we were drummed out of the Regiment, the ‘Rogue’s March’ being played after us by two or three drummers or fifers. We were not drummed out in the usual way, which is, to put a rope about the neck, cut off the facings and place a piece of paper on the back, with a description of the offence which the party may have committed. Instead of this we had the insbacon and the yellow clothing. On our return to the same ward in the gaol, Sudds sat down with his back to the wall saying that he

was very ill, and wished to go to the hospital again, but he did not go to the hospital till next morning. The basils of his irons cut his legs during the time we were coming from the barracks to the gaol ; it was owing to the sharpness of the basil and the weight of it that we were cut. The night of the day of punishment Sudds was so ill that we were obliged to get a candle about eight o'clock from Wilson, the under-jailer, in order to keep up a light during the night. I gave him some tea which I had purchased. About ten o'clock he was very ill. I requested a fellow prisoner to get up and look at him, thinking he was dying. The fellow prisoner, whose name I do not know, did look at him, and said he was not dying, but he did not think he would live long. I then asked Sudds if he had any friends to whom he would wish to write. He said he had a wife and child in Gloucestershire, and begged that if he did not get better by the next night, I would read some pious book to him, adding '*that they had put him in them irons till they had killed him.*'"

The Governor and his friends endeavoured to account for Sudds' death by stating that he had previously suffered from dropsy, and that he had been neglected by the medical officer ; but they were unable to produce evidence in support of their allegations, and the report of the medical officer of the gaol fully disproved the theory they had set up to ease their consciences under the self-accusations of murder, which must have been ever repeating themselves. Dr. McIntyre declared :—"I found him in a state of delirium on the 26th instant, and he was removed to the General Hospital, where he gradually became worse, and expired the following morning. After a minute dissection of the body, no apparent disease was found to exist to account for his immediate death." The iron had entered this poor man's soul.

When reporting the case in a despatch to Earl Bathurst, Darling said :—"However much the event is to be regretted, it cannot be imputed to *severity*; none was practised or intended. The only deviation from the usual course of proceeding was, that instead of the chains being put on in jail, the act was performed in a more ceremonious manner, in presence of the garrison, as a necessary example to the troops. With respect to the chains, which have been designated instruments of torture, it will be sufficient to state that they weigh only 13lbs. 12oz. ; and though made with a view of producing an effect upon those who were to witness the ceremony, the extreme lightness of their construction prevented their being injurious in any respect to the individual." In writing thus Darling published his own infamy. The irons used on the road gangs did not weigh more than from six to nine pounds, while those brought out from England for convicts on board prison ships weighed only four lbs. It was proved that the chains rivetted about Sudds weighed no less than 14lbs., 6oz. ; yet the Governor speaks of their "extreme lightness!" It was proved that the rivetting on of those chains was an act nothing short of judicial murder, yet the Governor, who was alone responsible for the act, with characteristic cold-bloodedness describes it as a "ceremony!"

Darling's rule of the convicts throughout was most rigorous. His rod was iron, and it was always waving. The times of the "first fleeters," of irresponsible floggers and short allowances of coarse food, were revived. A penal settlement was formed at Moreton Bay, and the story was fully credited that there the prisoners were so badly treated that they committed murder in order to be sent for trial to Sydney. At the same time the country magistrates were empowered to

award any number of lashes for insolence, idleness, or other indefinite offences, and considering the school in which many of those magistrates had been educated, it may easily be conceived that brutality little short of that which did poor Sudds to death was practised with a liberal hand.

The Australian Agricultural Company was fully established during Darling's reign, the agents selecting, taking possession and commencing operations on their grant of a million acres in the North. The company had been formed in England for improving and cultivating the waste lands of Australia, of importing sheep and cattle for squatting purposes, and of opening the mineral resources of the territory. The proceedings of the Company, in the then financial state of the colony, created an entire revolution. They sent out from England a numerous staff, cargoes of implements and stock on a most costly scale, and purchased breeding cattle so largely that the price was raised from 100 to 200 per cent. in the colony. To such a market sellers were not slow in taking their stock. But a reaction soon followed, and the panic that resulted corresponded in intensity with the excitement of extravagant expectations. For years more harm than good resulted to the colony from the Company's operations. Their grand ideas of extensive cultivation of the olive, opium, silkworm and orange groves all ended in smoke, and the little advantage won to the colony in the improved breed of sheep and cattle was very poor compensation for the sacrifice of so large a slice of territory; and even this benefit was neutralised by the monopoly, which not only handed over to the company the richest beds of coal in the colony, but actually precluded the colonists from working, on any terms, coal which might happen to be found under their estates.

It was thought by the Home Government that the

company would relieve them from the cost of maintaining a large number of convicts, for whom at one period it had been found difficult to obtain employment, and it was agreed that the company should be relieved of quit rent on condition of their employing a certain number of prisoners and maintaining them. But, from the period of this gigantic grant, the value of convict labour rose so rapidly that the Company were never able to obtain the stipulated number of servants; and in 1830 the editor of the *Sydney Monitor* seriously proposed that convicts should be *sold on arrival to the highest bidder*, anticipating that they would realize, in lots of two hundred, as much as £100 each per year for five or ten years! The evils of this wholesale sacrifice of the public estate to a few capitalists "at home" have extended right down to the present day.

The system of granting land was somewhat modified under Darling's rule. The Governor instituted a Board of Inquiry and established regulations under which land was only to be granted in proportion to the property or means of the applicant, and not to such applicant, unless there was reason to believe that he was able and willing to improve it. And the Governor had men at his elbow who turned these regulations for making the rich richer to good account.

Dr. Lang gives an instance of the favoritism shown during those days. He says:—"As I was travelling on one occasion in the discharge of clerical duties in the district of Bathurst, during Sir Ralph Darling's administration, I happened to call at the cottage of a respectable settler, a magistrate of the territory, who I found was building a remarkably substantial two-story house on his estate at the time. He asked me to look at the house, which was beautifully situated on rising ground, commanding a wide

extent of campaign country ; and I accordingly did so before resuming my journey. In pointing out its various advantages, the settler informed me that the brickmaking and bricklaying operations, the carpentry and joinery work, the plastering and shingling, and, if I am not greatly mistaken, the cabinet-maker's and upholstery work also, had all been done by his own assigned convict servants. I happened to mention the circumstance in the course of conversation with the next settler I called on a few miles off, without suspecting, however, that there was any peculiarity in the case ; when the settler observed to me, not without a slight display of indignant feeling, that he had been applying for a convict mechanic himself for years, but had been unable to obtain one, although he had confessedly done much more for the district than his more fortunate neighbour. The first settler was the friend of a colonial functionary of some influence at the time ; and I could not fail to observe that he was particularly active in his district whenever addresses were to be moved to Governor Darling. The second settler, who was also a magistrate of the territory, was merely a man of independent principles and feelings, who was accustomed to think and act for himself."

Although adverse to immigration, Darling could not check the tide which was steadily setting in, and large numbers of persons of moderate means continued to arrive in the colony ; but the difficulties they had to encounter in the search for land upon which to settle may be inferred when it is stated that a letter of advice to emigrants sent home about this time recommended "every settler to bring out an order from the Secretary of State to be allowed to inspect charts and maps in the Surveyor's office," as from being denied such inspection "emigrants wander about the interior of the colony at great

expense, and to little purpose." The secret was that the surveys of waste lands were kept out of the "ken" of the uninitiated, for the benefit of the favoured or feeling few.

In 1829 the Consultative Council established in 1824 gave place to a Legislative Council of fifteen members, with authority to make local laws. The proceedings of this body were secret, under an oath administered to that intent, and the Governor had an absolute veto. The only act of service to the colony passed by this Council was that which abolished arbitrary procedure by Government officials and substituted the English system of trial by jury.

Governor Darling was unfortunate in falling foul of the Press, which was fast making its voice heard in the colony in the direction of freedom and impartial dealing. The *Gazette* was the Government organ, and every sound of its voice had to be heard through the jingling of Government coin. Its flattery of everything smacking of Darling was sickening in its fulsomeness, and helped to make the untrammelled portion of the fourth estate more vigorous and outspoken than it would otherwise have been. It was the case of Sudds and Thompson that brought affairs to a climax, and when the *Gazette* commenced a defence of the Governor's action in that case, the two other papers, the *Australian* and the *Monitor*, launched out into condemnation of the severest kind. The extreme on either side was reached, and the Governor was kept in a state of feverish annoyance, which sought relief in the passing of certain Acts affecting the press, which were designated by the opposition editors "The Gagging Acts." But this only served to give point to the personalities of the newspapers not in receipt of Government pay, and the cross-firing led to actions for libel, resulting in fine and imprisonment for the whole of the scribblers. But,

although the opposition papers carried their charges against the Governor to extremes, they had justice on their side, and the agitation they kept up led eventually to Darling's recall.

After his return to England a half-hearted attempt was made to have the charges preferred against him, in the Sudds-Thompson case, investigated, but the attempt ended in smoke, and Darling was knighted as a token of the King's favour.

During the six years of Darling's rule further successful explorations of the interior were made, both by private individuals and public officials, among the former being those men who were looking out for "fresh fields and pastures new" for their increasing flocks and herds, and among the latter being Messrs. Mitchell, Oxley, Cunningham, and Captain Sturt. It was the latter who followed the Murrumbidgee to its junction with the Murray, and pushed on through difficulties and dangers until he reached the Lake Alexandrina, and discovered the future province of South Australia.

The population at the close of Darling's administration was 51,155; the export of wool 1,401,284 lbs.; of oil, £95,969 in value; the total exports were £324,168; and the imports £49,152. The ordinary revenue of the year was £103,228. Of the expenditure there are no reliable records.



CHAPTER IX.—GOVERNOR BOURKE—1831 to 1838.

A VIGOROUS RULE—STOPPAGE OF FREE GRANTS—ASSISTED EMIGRATION — LAND SALES — FORMING CENTRES OF CIVILIZATION AND GOVERNMENT — AN “INTELLIGENT, RESPECTABLE AND RELIGIOUS COMMUNITY” — IMMIGRANT PROSTITUTES — EDUCATION AND RELIGION — RELIGIOUS EQUALITY—FREEDOM OF THE PRESS—MOVEMENT TO ABOLISH TRANSPORTATION—A TRIP TO VICTORIA—THE BRONZE STATUE—DEPARTURE FOR ENGLAND—DEATH.

MAJOR-GENERAL Sir Richard Bourke, perhaps the most able and popular of the early Governors of the colony, succeeded Darling, and his administration lasted from December 1831 to November 1837. His rule was marked by vigor and firmness, zeal, liberality and humanity. He entered office under most favourable circumstances, and it is not at all wonderful, therefore, that progress ran freely. He found the system of granting land to free immigrants working badly, the rule being to limit those grants to men who had friends among the officials in Sydney; and he therefore changed the arrangement, put a stop to free grants, and ordered that all lands in the settled district should be offered at auction, fixing the upset price at 5/- per acre. This proved a most prolific source of revenue, and the money thus raised was used to assist free emigration from Europe. The scramble for land in the unsettled districts of the colony had led to quarrels between the scramblers concerning boundaries, they having no legal tenure to their holdings, and the term “squatter” being first applied to them. The Governor regulated this matter by

requiring the "squatters" to make formal application for the land they required and pay a small rent, undertaking to define the boundaries, and granting in return peaceable possession until the land was needed for settlement.

The regulations issued by Bourke caused an important and fundamental change in the whole colonial system in regard to the disposal of waste land, and in 1836 the returns from land sales amounted to no less a sum than £132,396. The broad and statesmanlike views he entertained on the subject of land alienation may be gathered from a single sentence in the despatch which he forwarded to the Colonial Office in 1838. He had received from head quarters a caution that "it was not desirable to allow the population to become more scattered than it then was"—the remark having reference to the attempts that were being made to colonize Port Phillip; and in reply to that despatch he wrote as follows:—"The question, I beg leave to submit, is simply this: How may Government turn to the best advantage a state of things which it cannot wholly interdict? It may, I would suggest, be found practicable by means of the sale of lands in situations peculiarly advantageous, however distant from other locations, and by establishing townships and ports, and facilitating the intercourse between remote and more settled districts of this vast territory, to provide centres of civilization and government, and thus gradually extend the power of social order to the most distant parts of the wilderness." The fund thus created by the sale of land was, as Dr. Lang tersely puts it, "the means of infusing, to almost an inconceivable extent, the salutary ingredient of a virtuous and industrious population into the mass of a convict colony, and of thereby elevating that colony, in a period of time comparatively short, to the rank of an intelligent, respectable and religious community."

Unfortunately, however, the choice of emigrants for some time was not wise. During the years 1832-3-4 the system was carried out exclusively under the auspices of the Female Emigration Board, in London; "but in so exceptional a manner," says the writer already quoted, "that in the year 1835 the streets of Sydney and the public houses of the colony were *actually swarming with free immigrant prostitutes* from the cities of London, Dublin and Cork, the expense of whose passage out had been defrayed from the land revenue of the colony!" It was in arranging for the introduction of numbers of his own country-men from the "land o' cakes" that Dr. Lang at this juncture found full exercise for his restless energy and national clannishness. The tide of immigration set in with steady force, and to some of the men and women who came to the colony during the rule of Bourke, and the years presently succeeding, the colony owes a great deal, for they did more to build up the industrial power since attained and at the present time enjoyed than any Governor's Order or Legislative enactment could have done. The bad amongst them—and there were many very bad—found congenial fellows with whom to drink and curse and die; and the good ones—and there were many good—found a soil quite ready for the profitable exercise of their energy, thrift, and virtue.

The six years of Governor Bourke's reign were pregnant with measures and events of the utmost importance in shaping the destinies of the growing and expanding colony. In addition to the regulations concerning land, laws were passed in the interests of education and religion. The Church and School Corporation (which had developed into a gross job) was abolished, and religious equality was established; Government patronage was removed from the

press; the constitution of the Courts of Justice was improved; steps were adopted which, in 1840, finally abolished transportation to the colony; rules for regulating the number of convict servants each settler should have, and the number of lashes which should be inflicted upon a convict by a single magistrate, were framed and promulgated; the colony of Victoria was discovered, and in 1836 a regular Government was established; further explorations were carried out, and the settlement of the land began to be conducted on a system more advantageous to the people.


It was reasonable and right, therefore, that when His Excellency determined to leave the colony, the people should endeavour to show their appreciation of his sterling good qualities in some pronounced form. In testimony of their feeling they raised some £4000, and had cast, from a model by an eminent artist in London, the bronze statue which still stands on an elevated and commanding situation at the entrance of the Government domain in Sydney, overlooking the harbour of Port Jackson.

Just previous to his departure for England, Bourke visited Port Phillip, and during the month of his stay laid out the sites of Melbourne, Williamstown, and Geelong, the first being named after the British Prime Minister, Lord Melbourne, the second after the reigning monarch, His Majesty King William IV., and the last bearing its native name. Bourke died in 1855.



CHAPTER X.—GOVERNOR GIPPS—1838 to 1846.

AN ABLE DEBATER — BETWEEN SERFDOM AND FREEDOM — POPULATION SPEEDILY DOUBLED—IMMIGRANTS FOR PORT PHILLIP—THE COLONIAL OFFICE CLOG—MISAPPROPRIATING REVENUES—THE CUSTOM-HOUSE—MAKING BRICKS WITHOUT STRAW—A GENERAL SMASH—FIRST ELECTIVE COUNCIL—FIGHTING FOR LIBERTY — FAVOURABLE SEASONS — THE GOVERNOR'S DEATH.

HE ninth Governor of New South Wales was Sir George Gipps, who assumed the reins of Government on 24th February, 1838. He was a military man, and although his superior education enabled him to hold his own in debate with "the old wives of the old Nominee Council," as Dr. Lang called them, his mind was too narrow to enable him to govern on the broader lines so necessary to advancement in the then condition of the colony, which was in the transition stage between serfdom and freedom. He was an eloquent speaker, a nervous, forceful writer, and could deal out sarcasm as cutting as a two-edged knife. But his manners were repulsive, his disposition arbitrary, and his demeanour overbearing, so that he made enemies of those who would have done good service for him and with him as friends.

The news that a splendid tract of country had been discovered at Port Philip had given a fillip to immigration, and a steady stream of emigrants of a superior class poured in, bringing with them capital, their object being to settle in the colony as stockholders, agriculturists, merchants, &c. So great was this stream that the population of the colony was

actually doubled in the course of a very short time, no fewer than 23,200 immigrants having landed during 1841, at the end of which year the population stood at 149,669 persons. At the end of 1846, the last year of Gipps' administration, the population numbered 196,704 persons.

Under favourable conditions the colony would have floated on the topmost wave of prosperity; but the conditions were not favourable, Governor Gipps and the Colonial office at home standing in the way of anything like progress. The returns from land revenue were beginning to swell, and the cupidity of the Home Government was aroused. Although they had declared when the returns were small that it was only reasonable that such revenues should be applied wholly and exclusively for the benefit of the colony, they now demanded that the revenues should be poured into the parental lap, and Governor Gipps was just the man to enforce the selfish regulation.

The case really stood thus: The colonists were expected to defray the cost of their own government, with all the addition of police and gaol expenses incident to a "periodical inoculation of British-grown felony," and with the sham of a Legislative Council and financial discussions, all sources of revenue, except additional taxation, being removed from their control. The price and management of Crown or waste lands, and the expenditure of funds arising from them in emigration, were settled by English commissioners; the Crown appropriating the surplus. The custom-house tariff and the rules for levying it were settled by the English custom-house authorities, who also appointed its officers. As to the funds raised by local taxation, the Colonial Secretary, in the name of the Crown, created offices, fixed fines and salaries, and appointed officers, without the

slightest regard to the wants and wishes of the colonists. And under such a condition of things—than which that of the ancient people when condemned to make bricks without straw was not much worse—the marvel is that a rebellion was not bred amongst the colonists, who, as a people, were just beginning to “feel their feet.”

Animated evidently by a desire to please the Colonial office, Gipps adopted a policy as shortsighted and ruinous as it was heartless, in regard to the waste land and town allotments, only allowing a small quantity of the former to come into the market when the demand was at its highest, and placing a very high upset price upon the latter. The settlement of the lands by the very class who would have turned them to the best account was thus prevented; an unhealthy and even ruinous spirit of speculation was provoked; and although the British Treasury received large sums of money the colony sucked in injury rather than benefit from the transactions, and the result was a general “smash,” in which individuals, syndicates and monetary institutions alike suffered loss—in some cases absolute ruin being the result. The upshot of the unhealthy speculation is thus described by Dr. Lang:—

“The purchase of Government land and town allotments declined apace, and then ceased entirely. The obligations to the banks and the other leading companies, as well as to private individuals, fell due; and land and stock, and other property of all kinds, were forced upon a falling market to meet them. These articles of property consequently declined rapidly in value, falling as far below the average of former years as they had been unnaturally raised above it; and all but universal bankruptcy ensued. A flock of sheep was actually sold by the sheriff at this period, in satisfaction of a

comparatively small debt, for sixpence per head; while another flock the property of one of the oldest merchants in the colony, was purchased at so low a price (one shilling and sixpence per head) that within two months after the sale, which took place in the month of September, just before shearing time, the fortunate purchaser realized upwards of £250 more than the whole amount of his purchase-money from the wool alone, the flock being worth in ordinary seasons, from £9,000 to £10,000. In another similar case, cattle which had been bought at six guineas ahead were sold at seven shillings and sixpence; and horses that cost sixty guineas, the produce of Persian and Arab steeds, brought only seventeen or eighteen shillings; while a house in Sydney, for which £5000 had been offered and refused very shortly before, was sold for £1,200; and sugar, which had been shipped at Manilla at £15 per ton, sold in Sydney for £10. Carriages of all kinds which had previously been numerous both in town and country, beyond all European proportion to the population, experienced a still more remarkable reduction. A first-rate curricule, quite new, which had cost £140, sold for £3, and numerous costly equipages, which it was found were now no longer needed, fell into the hands of the respective coachmen and grooms, who forthwith started them as hackney coaches in the city of Sydney, and managed to earn an honest livelihood for themselves; occasionally taking up their 'old masters,' *when they were able to pay them a fare.*"

It was during Gipps' administration (in 1842) that a representative character was given to the Legislative Council by introducing into it twenty-four elective members. By what was commonly called "The Constitutional Act," passed by the Imperial Parliament, a Legislature of one

House was constituted, to consist of thirty-six members; of whom six were to be Government officers, other six Crown nominees, and twenty-four to be elected by the people, viz., eighteen for New South Wales proper and six for Port Phillip. Concerning this body Dr. Lang says—and even the scant reports of the proceedings published strongly support his statement—“For general ability; for extent and variety of information, available for the business of legislation; for manly eloquence; for genuine patriotism; and for energetic effort and dignified action, I question whether the first Legislative Council of New South Wales, under the constitution of 1842, has ever been surpassed by any Legislature out of England in the British Empire.”

And if the colony to-day is in need of one thing more than another it is of that ability, eloquence, and patriotism which characterized such men as William Charles Wentworth, Robert Lowe, Charles Cowper, Richard Windeyer, Dr. Lang, and others whose names appear on the roll among the first members constitutionally elected by the people nearly half a century ago. There was fighting to do in those days and there were giants to wield the weapons in the people's cause. The strife between the Governor and the elected members waxed hotter at each succeeding encounter, but the “elementary rights of Englishmen” for which the latter fought could not be borne down even by the double despotism which operated through a grasping Colonial Office in London and a narrow-minded Governor on the spot. Even in those early days there was forcefulness in the sentiment uttered by Southey:—

Easier were it
To hurl the rooted mountain from its base,
Than force the yoke of slavery upon men
Determined to be free!

And inch by inch the Imperial authorities and their willing servant were forced to yield the rights for which these patriotic colonial legislators fought. Colonial grievances were ventilated and redressed—grievances relating to the revenues; the price of Crown lands; the assessment on pastoral proprietors; the abuses in connection with Crown patronage; the expense in police, gaols, &c.; the responsibility of judges of the Supreme Court; and a host of other matters which seriously affected the well-being of the rising colony. And if these early heroes were not directly successful in winning the freedom for which they fought, they certainly succeeded in laying the foundation of that liberal form of Government which to-day is accounted as the freest and most enlightened of any known in Christendom.

The administration of Sir George Gipps—an administration extending over eight years—will always be considered one of the most important epochs in the history of New South Wales, associated as it was—to use the words of Samuel Sidney—“with the permanent infliction of the £1 an acre monopoly, the consequent triumph of the great pastoral over the freehold interest, the development of the wonderful pastoral resources of Australia, the abolition of assignment and transportation of criminals, the rise of a free population, the introduction of the elective element into the Legislature, the commencement of a legitimate parliamentary struggle for the establishment of a responsible government, and a crowd of events of great local but minor national importance. All these date back to the period when Sir George Gipps reigned and governed too, and contested every possible question with the Legislative Council, with the judges, with the Crown land Commissioners, with the clergy of all denominations, with squatters, with settlers, with every one who dared to


have any other opinion than the opinion of the Governor, except the Secretary of State for the Colonies."

But while the strife thus briefly outlined proceeded, the seasons continued favorable, the grass grew, flocks and herds increased, new pastures were being explored and taken up, and communal wealth was steadily growing under the influence of individual frugality and industry; so that when Governor Gipps left the colony, on 11th July, 1846, he was able to announce that the revenue exceeded the expenditure, and the exports the imports, while the demands upon the labour market were greater than ever before known, and most difficult of supply. And this was not the only period in the history of the colony during which steady advancement towards solid prosperity was made—spite of administration that can only fittingly be described by the term disastrous.

Sir George Gipps died a few months after his return home in 1847.

CHAPTER XI.—GOVERNOR FITZROY—1846 to 1855.

WITHOUT BRAINS BUT WITH STRONG PASSIONS—A QUEER STORY
—THE GOVERNOR AND THE PUBLICAN'S DAUGHTER—A
TERRIBLE SCRAPE—ATTEMPTS TO REVIVE TRANSPORTATION
— DISCOVERY OF GOLD — SEPARATION OF VICTORIA —
ESTABLISHMENT OF CONSTITUTIONAL GOVERNMENT—THE
FIRST PARLIAMENT—END OF THE STORY.

IR Charles Augustus Fitzroy was the tenth Governor of New South Wales, and he held office for nine years. Personally he did not commend himself to the men who were earnestly struggling to shape the destinies of the growing colony. He had no opinions of his own, and simply acted as a mouthpiece of those who still held the reins, and whose vassal he was. As one writer during his

time tersely puts it, he was content to drive his own four-in-hand while his official advisers managed the colonists. Official aptitude he had none; his intellectual attainments were on a par with his morals—of a low order—and he was as bare of common sense as of refined tastes. In his case the only signs existing of the “gentleman” were a large income, fashionable dress, and a polished exterior. Dr. Lang, who was in full vigour during his administration, was particularly severe on him, using his facile pen as the weapon of offence, and suffering through the use of it by having his liberty curtailed in Darlinghurst prison. Not every man has the privilege of libelling a Governor with such effect, and of knowing that the suffering endured in consequence thereof was in a righteous cause.

On his Excellency's arrival in the colony he was accompanied by his wife, Lady Mary Fitzroy, and his two sons, who had both reached man's estate. Shortly after his arrival Lady Mary was killed by a fall from the vice-royal carriage in Parramatta Park, the horses having taken fright while Fitzroy was driving; and Dr. Lang evidently thought that the sad calamity was received by the Governor as a pleasant release from burdensome marital ties. Quoting Junius' description of Lord Irnham he broadly states that the term “hoary lecher” was applicable to Fitzroy. Here is one of the Dr.'s peppery illustrations:—

“As Her Majesty makes a royal progress at home every year, it is natural that her Representative in the Colonies should do the same. Whether they imitate the good example of their Royal Mistress in other respects, is not quite so evident. At all events, Sir Charles Fitzroy was engaged in one of his viceregal progresses in New South Wales, when he reached the inland town of Berrima, about eighty miles

from Sydney, and took up his abode at a respectable 'hostelry' in the town. In the domestic establishment of the innkeeper, there happened to be a young woman, the daughter of a settler in the neighbourhood, of the name of C., who, I believe, was a native of the colony, and had formerly been the champion of New South Wales. Miss C., it seems, was by no means destitute of personal attractions, and appears to have fixed the regards of the Governor-General himself. What occurred at the time, I neither know nor care; but in due time, Miss C. proving *enciente*, the fact was inhumanely laid at the door of Her Most Gracious Majesty's representative, the Governor-General of Australia! C. acted on the occasion as any honest man would be likely to do, whether a pugilist or not; and he came at length to Sydney for redress; but meeting with some such cold reception as humble people like himself are likely to do when asking for redress of any kind in the mansions of Governors General, he placed his case in the hands of an able solicitor in Sydney—William Thurlow, Esq—the Right Worshipful the Mayor of that city for the past and present years. Mr. Thurlow accordingly stated his case, and preferred his claim upon his Excellency in the usual style, *demanding compensation for the loss of the services of his client's child*. As there were other members of "the household" at Berrima on the occasion in question it would doubtless have been very difficult for Mr. Thurlow—shrewd lawyer though he is—to ascertain (as it was alleged he should have done beforehand) to which member of the exemplary family the paternity in the case was to be assigned; but as this was no part of his client's case, he stuck to the Governor-General, and the result was that a sum of two hundred pounds, as was reported, was paid to C., to prevent exposure and disgrace!"

The *Empire* newspaper was also very outspoken concerning the Governor's doings. Here is a paragraph from a condemnatory article, which appeared in that journal on May 7th, 1852:—

“It does not accord with our notions, that fêtes and shows given to a colonial Governor (Sir Charles was junketting in the Western interior about this time), under the ostentation of loyalty, while the moral character of such a Governor is under a dark cloud of general imputation, are a true mark of respect to the sovereign whose authority he bears and whose person he represents. If the Queen be not sufficiently careful in the characters of her servants, she cannot possibly escape the censure herself in some quarter or another of being indifferent to the high claims of morality. If she be ignorant, she ought to know, for she has sworn to govern her vast empire faithfully. If she be told she ought to be willing to investigate. We have no conception how the cherishing of an immoral servant can fail to reflect some dishonour upon the employer. We are aware that the rule of expediency is enough to establish our point. It is *expedient* that the Queen's moral character—and she is highly moral and virtuous by all report—should not be misrepresented by immorality. The security of her Government demands this; for it is by the affections and confidence of her people alone that Victoria can be a true Queen, and the times in immediate prospect will leave her sway unbroken.”

Following this up we hear Dr. Lang's voice again. “The ancient inform us (said he) that when the frogs petitioned Jupiter for a King, he threw them down a log: but the modern Jupiter of the Colonial office has far surpassed this memorable feat of his ancient prototype; for, with one powerful fling, worthy of Ajax himself, and reaching to the

very ends of the earth, he has thrown to the green frogs of Australia not only a log, but a he-goat! There were nine clean—so much for the tenth!"

Little more need be said concerning the personal history of a Governor, who, although descended from a King, was nothing more than a machine, and simply served to carry out instructions which any man with even less brains could have done twice as well. He left the colony in 1855 and died in London in 1858.

Several most important events transpired during Fitzroy's automatic administration, the most remarkable being—the attempt to re-introduce convicts into Australia, and which resulted in a vigorous and successful anti-transportation agitation; the discovery of gold; the separation of Victoria from New South Wales; and the passing of a bill sanctioning the establishment of two deliberative chambers,—a Legislative Assembly and a Legislative Council. The two first important events named will be fully treated in their proper place; but a word or two must here be said concerning the occurrence last mentioned, seeing that it was fraught with issues of the greatest moment to the colony—was in fact the opening of the door to that freedom which as a people the colonists at the present time enjoy.

In the year 1851 an Elective Act had been passed, establishing the basis on which members should be returned to the Legislative Council—the mixed Council then existing. A new Council came into existence towards the close of the same year, and one of its principal functions was to consider the alteration and improvement of the constitution. The draft of the present Constitution was here prepared: a Committee was appointed, and the work was done *con amore*. The Committee reported in favour of a two-Chamber

Legislature on the English model. The number of members for the Lower House was fixed at fifty-four, to be chosen by electors possessing a moderate property qualification. As to the composition of the Upper House, Wentworth at first proposed the establishment of a colonial hereditary peerage, to form a House of Lords, but the notion excited the strongest hostility and the keenest derision, and he abandoned it. One party was in favour of making the Upper House elective, but after much discussion, a decision was reached that the House should be constituted by nomination, and contain not less than twenty-four members. This constitution embodied responsible government, and was passed as a schedule to the Imperial Act of Parliament which is called the Constitution Act. It was also agreed that the first members should be appointed for five years, after which life appointments were to be made, unless the law was altered in the meantime. The bill underwent some slight alteration in England, but its main principles remained unchanged, and the Imperial Act, with the Constitution appended as a schedule, reached the colony in 1855, shortly after Fitzroy's departure, and on the 24th of November the new order of things was formally inaugurated by Governor Sir W. T. Denison, who succeeded Fitzroy, the old Council having been dissolved in the meantime. The first Parliament under responsible government met on 22nd May, 1856, and no greater proof of the wisdom and statesmanship of the men who brought in the era of responsible Government could be found than is found in the fact that very few alterations in the Constitution have been needed through the years succeeding, although the colony has made progress in every direction to an extent never before known in a similar period in the history of any colony or nation.


With the inauguration of responsible Government, the autocratic, arbitrary rule of Governors came to an end. Henceforth the people were to govern themselves through Parliaments of their own choice. From being "a Crown colony of the severest type," New South Wales at once became, in the fullest sense of the term, a self-governing community. Sir Charles Fitzroy was the last of the old school—a school never to be re-formed in any place where British instincts exist or British freedom finds exercise. The Governors who have held office since Fitzroy's administration terminated have had their duties well defined, and have simply served as representatives of the Sovereign in a colony which is still a dependency of the British Crown.

The story of the Governors is therefore ended. There were ten from the time of the foundation of the colony to the establishment of responsible government—a period of sixty-eight years. There have been six since then—Denison, Young, Belmore, Robinson, Loftus, and Carrington—and the last-named representative of Her Majesty holds office in this the Centenary year of the colony. How long a time will elapse before Government House becomes the residence of a locally elected President, instead of a Sovereign's nominee, it is impossible to say; but the signs of the times will have proved deceptive if when the end of the second century of its existence arrives the colony is found recognizing any such thing as Imperial supremacy.



CHAPTER XII.—STATISTICAL EPITOME.

POPULATION — RAILWAYS — TELEGRAPHS — MANUFACTORIES —
MINERAL, PASTORAL AND AGRICULTURAL PRODUCTS —
SHIPPING—PUBLIC INDEBTEDNESS—REVENUE—PUBLIC AND
PRIVATE WEALTH.

S already stated, the progress made by the colony in every direction since just before the institution of responsible government has been phenomenal, and although the writer has no intention of dealing with that portion of Australian history, he feels that the present chapters would be incomplete without some reference thereto. Hence the following statistical epitome, which will shew in some faint degree what leaps and bounds have been made since the people, whose foundation was laid in felony first began to breathe the air of freedom.

When the census of the inhabitants of the colony was taken in 1836, it amounted to 77,096. In the following year the estimated population of the colony was 85,267. In 1846 it had increased to 187,413. In 1851 the population (not counting that of Victoria, which had just then become a separate and distinct colony, and which was estimated to contain about 100,000 souls) amounted to 187,243. At the

end of 1854 the number had mounted up to 251,315. In 1859 the population numbered 336,572, Queensland at this time also having been severed from the colony. In 1871 a census of the whole of the Australasian colonies was taken, and Victoria stood at the head with 731,528; New South Wales came next with 503,981; New Zealand next with 256,393; South Australia next with 185,626; Queensland next with 120,104; Tasmania next with 101,785; and Western Australia last with 25,353:—the grand total of white population in the whole of Australasia being thus 1,924,770. Mr. Coghlan, the present Government Statistician of the colony, estimates the population of the Australasian colonies on the 31st December, 1887, to have been as follows:—New South Wales, 1,044,000 (approximately); Victoria, 1,035,943; New Zealand, 603,787 (exclusive of 41,828 Maories); Queensland, 359,059; South Australia, 315,000; Tasmania, 140,711; and Western Australia, 44,532; making a grand total of 3,543,032 souls.

The density of the population of Australia, compared with its area, is computed at 1 person to every square mile. America has 6 persons to the square mile; Africa has 17; Asia has 46; and Europe 87. It has been computed by Mr. Hayter (the Victorian Statistician) that the area of increase of the population of Australia is 42 per cent. in every decade. At this rate the population in 1901 should equal 5,678,029; 50 years afterwards it should be 32,782,290; and in the year

2001 it should be no less than 189,269,663. Did ever country show greater growth, or give fairer promise for the future?

It is unfortunate that the full statistics are not available at the time this is being written, shewing the advancement made up to the end of 1887—the closing year of the Centenary; but a fair idea of the marvellous progress made by New South Wales, after the separation of Queensland, the youngest of the Australian offshoots, and which event took place in 1859, may be obtained from a comparison of the statistics for 1860 and those published for 1886—the last quarter of the century.

Births, deaths, and marriages in 1860 were severally 14,233, 6,562 and 2,945. In 1886 they were 36,284, 14,587 and 7,811.

In 1860 the arrivals by sea were 23,031, and in 1886 70,388, while the departures by sea were in the first year 6,847 and 41,896 in 1886.

There were 798 schools in 1861, with 34,767 pupils. In 1886 they had increased to 2,833, with 226,860 pupils.

In 1860 there were only 70 miles of railway open for traffic, the capital invested on the open lines being £1,422,672, and the net earnings £11,841. In 1886 there were 1,071 miles open for traffic, the expended capital thereon being £24,079,555, and the net earnings being £667,078.

There were 1616 miles of telegraph in 1861, and the number of messages sent during that year was 74,204. In 1886 there were 20,797 miles of wire, along which 2,661,126 messages were sent and received.

In 1860 there were 287 post offices in the colony, through which there passed 4,230,761 letters, 3,668,783 newspapers, and 83,736 packets. In 1886 there were 1157 offices and the letters, newspapers and packets to pass through them numbered respectively 42,849,500, 29,532,400 and 4,848,800.

The number of manufactories and works given for 1860 was 567, but no mention is made of the hands employed. In 1886 there were 3,694 manufactories and 45,783 hands employed therein.

The land under crop in 1860 was 260,798 acres; in 1886 there were 972,496 acres under cultivation.

The return of live stock in 1860 was:—Horses, 251,947; horned cattle, 2,408,586; sheep, 6,119,163; pigs, 180,662. In 1886 the figures were:—Horses, 361,663; cattle, 1,367,844; sheep, 39,169,304; pigs, 209,576.

368,862 tons of coal, of the value of £226,493 were raised in 1860. In 1886 the quantity raised was 2,830,175 tons, valued at £1,363,164.

In 1860 there were 12,809,362 lbs of wool exported, of the value of £1,123,699. The quantity exported in 1886 was 173,985,640 lbs. of the value of £7,028,596.

Land was sold to the extent of 34,000,000 acres between 1862 and 1886, conditionally or otherwise, and £38,000,000 came into the Treasury as the result, while at the end of 1886 £12,000,000 remained due on conditional purchases. In 1886 there were 142,927,360 acres under pastoral occupation, yielding as rent £304,344.

The results of the cultivation of the land, as ascertained up to March, 1887, were:—Wheat, 5,868,844 bushels, £953,688 value; maize, 3,825,146 bushels, £525,958 value; barley, 132,949 bushels, £18,836 value; oats, 600,892 bushels, £5,578 value; other grain, 22,907 bushels, £1,151 value; wheaten hay, 109,851 tons, £357,016 value; oaten hay, 182,921 tons, £777,414 value; barley hay, 4,388 tons, £14,261 value; lucerne and grass hay, 52,738 tons, £131,845 value; green food for cattle, £84,200 in value; potatoes, 45,803 tons, £103,057 value; sugar cane, 167,959 tons, £98,676 value; tobacco, 13,642 cwt., £51,157 value; grapes for wine, 602,660 gallons, £120,761 value; grapes for table use, 1,945 tons, £45,221 value; oranges, 6,376,868 dozens, £66,426 value; other fruits and garden produce, £372,100 in value; minor crops, £153,300 in value. The total value was £3,943,645.

In 1861 the number of vessels and their tonnage was—inwards 1,424 ships, 427,835 tons; outwards 1,438 ships, 431,484 tons. In 1886 the figures were—inwards 2,684 vessels, 2,114,618 tons; outwards, 2,755 vessels, 2,143,986 tons.

In 1860 the total value of imports and exports was £7,519,285 and £5,072,020. The figures for 1886 are as follow : Imports, £20,973,548 ; exports, £15,556,213.

The public debt in 1860 was £3,830,230. It had mounted to £41,034,249 in 1886.

The revenue in 1860 was £1,308,925, and the expenditure £1,321,724. In 1886 the revenue was £7,594,301, and the outlay £9,078,869.

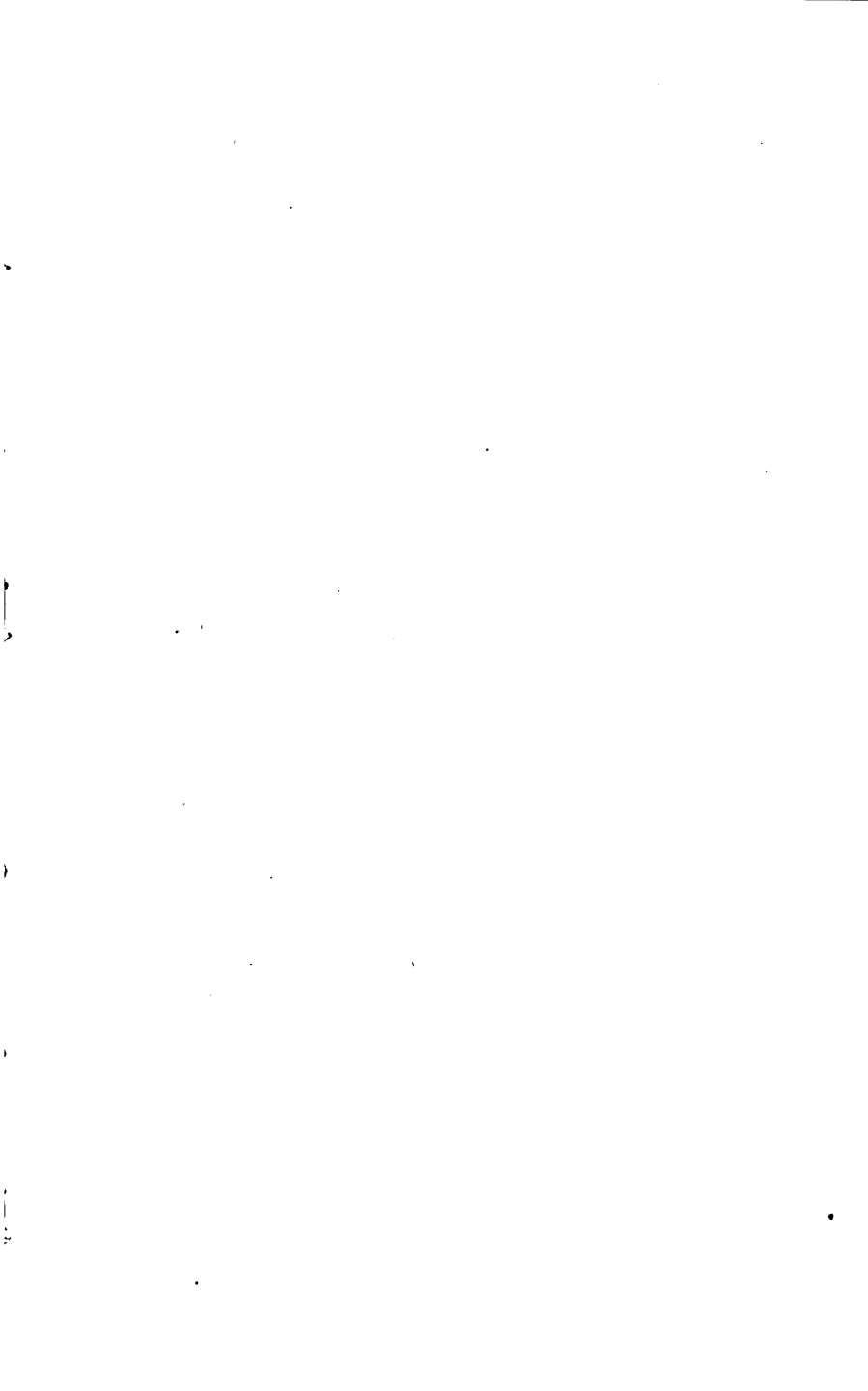
Coin in circulation in 1860 amounted to £2,946,613, and the deposits in banks to £5,721,690. The figures for 1886 are £7,801,646, and £31,933,056 respectively.

At the close of 1886, the public and private wealth of the colony was estimated at £521,000,000 ; the public wealth, consisting of railways, public works, unsold Crown lands, municipal property and works, at £175,128,000 ; and the private wealth, embracing land, houses, permanent improvements, stock, personal property, machinery, coin, merchandise, shipping, etc., at £346,250,000.

Again the question comes—Did ever country show greater growth, or give fairer promise for the future ? Looking out to that future from the dawn of the second century, what grander prospect could any one wish to gaze upon ? A free people, under free laws upon productive land, with all the religious, social, commercial, and industrial

advantages that any nation of far riper years could possibly desire, who can define the boundaries of the possibilities which lie before this "Greater Britain" whose one hundredth birthday has just been celebrated? Was there not inspiration in the words uttered by Governor Phillip, when, on the 7th February, 1788, he made his memorable speech, and said "How grand is the prospect which lies before the youthful nation!" A century of years has elapsed since those words were uttered, and the nation is yet a youth, although the growth to its present stage has been so exceptionally strong and vigorous and rapid—a growth unparalleled in the history of the world. Its ripeness and fullness of vigour will have been attained when FEDERATED AUSTRALIA tells out its unity in name, and effort, and purpose, to the other and older, but not more important nations of the earth.

[END OF PART I.]





Early Australian History.

[COPYRIGHT.]


A Series of Historical Sketches, bearing upon Australian Colonization and Convict Life in New South Wales and Van Dieman's Land.

PART II.

The Story of the Convicts.

CHAPTER I.—ORIGIN OF TRANSPORTATION.

FIRST INTRODUCTION INTO THE ENGLISH SYSTEM—EXTENSION AND ALTERATION OF THE PRINCIPLE—A THREEFOLD BENEFIT—STOPPED BY THE AMERICAN WAR—£20 PER HEAD FOR CONVICTS—HOW THE SYSTEM OF WHITE SLAVERY WORKED—HORRIBLE SUFFERINGS—FATTENING FOR MARKET—LOOKING OUT FOR OTHER MORAL RUBBISH HEAPS—THE HULKS, HOUSES OF CORRECTION, AND PENITENTIARIES—REVIVAL OF THE SYSTEM—TRANSPORTATION TO AFRICA—A SMALL BILL OF COSTS—LOOKING TOWARDS THE SOUTH—OBJECTS OF TRANSPORTATION TO BOTANY BAY—OPPOSITION TO THE SCHEME PROPOSED—ADVERTISING ITS COMMENCEMENT—THE “FIRST FLEETERS”—CHARACTERS OF THE FIRST MEN AND WOMEN EXILES—THEIR NATIONALITY—THEIR SENTENCES—READY TO SAIL. ○

 TRANSPORTATION is commonly understood to have been first introduced into the English system of punishments in the year 1718, by the Act of the 4th George I. cap. 11; and afterwards enlarged by the Act 6th

of George I. c. 23; which allowed the court a discretionary power to order felons who were by law "entitled to their clergy" to be transported to the American plantations for seven or fourteen years, according to circumstances. It is said in one old work that exile was first introduced as a punishment by the Legislature in the 39th year of Queen Elizabeth, when a statute enacted that such rogues as were dangerous to the inferior people should be banished the realm; and that the first statute in which the word "Transportation" is used is the 18th of Charles II. c. 3, which gives power to judges at their discretion to execute or transport to America for life the Moss-Troopers of Cumberland and Northumberland; a law which was made perpetual by the Act 31. George II. c. 42.

The system of transportation to the American plantations existed for fifty-six years, during which period, and until the commencement of the American War, in 1775, great numbers of felons were sent from England, chiefly to the Province of Maryland. It was a benefit to England to get rid of her accumulating criminals; it proved, on the whole, beneficial to the criminals to get out of England; and, strange though it may seem, great benefit resulted to the land to which the criminals were transported, the new and apparently undesirable element thus introduced creating a vigour and life that was marvellously expansive and far-reaching.

Says one of the writers of the old school, in a "Treatise on the Police of the Metropolis," published in the year 1800:—

"The rigid discipline which the colonial laws authorised the masters to exercise over servants, joined to the prospects which agricultural pursuits, after some experience was

acquired, afforded to these outcasts, tended to reform the chief part; and after the expiration of their servitude they mingled in the society of the country, under circumstances highly beneficial to themselves and even to the colony. Possessed in general (as every adroit thief must be) of good natural abilities, they availed themselves of the habits of industry they acquired in the years of their servitude—became farmers and planters on their own account; and many of them, succeeding in these pursuits, not only acquired that degree of respectability which is attached to property and industry; but also in their turn became masters, and purchased the servitude of future transports sent out for sale.”

It will be remembered that the writer was speaking of the system as it worked when America was the place of servitude. By the Acts 4th and 6th of George I, previously cited, the persons contracting for the transportation of convicts to those colonies had an interest in the service of each, for seven or fourteen years, according to the term of transportation. For some years previous to the commencement of the American War of Independence the adjudged services of convicts became so valuable in Maryland, that contracts were made to convey them without any expense whatever to Government, who had formerly allowed £5 per head. And the Home authorities were not slow to avail themselves of the opportunity of making money in place of spending it. Planters in the later years of the operation of the system readily gave £20 per head to the Government for these outcast human beasts of burden, and one writer declares that England derived at this time as much as £40,000 per year from this species of trade.

The following brief sketch will shew to what extent the system of white slavery was carried on in England in the

days preceding these:—Although it was one of the requisitions of Magna Charta that the subject should be protected from imprisonment otherwise than in due course of law, history records that arbitrary and illegal punishments were frequently perpetrated with impunity for a period of three or four hundred years, and that the liberty of the subject was not materially secured until the passing of the Habeas Corpus Act in the reign of Charles the Second, by which it is illegal to detain in prison any person who claims to be tried. During the reign of James II. tumultuous meetings disturbed the peace of England. Protestants plotted to declare the Duke of Monmouth heir to the throne, while the Papists plotted to secure the succession of the Duke of York, who had been banished. Monmouth, with 6,000 followers, was defeated on July 5th, 1685, at Sedgemoor. Ten days afterwards Monmouth was beheaded, and the atrocities perpetrated on his followers were such as England never before witnessed. Colonel "Kirke's Lambs," as the Feversham troops were called, pillaged and committed every species of debauchery in the western counties, while Chief Justice "Jeffries' Campaign," as James II. loved to call it, exceeded the military atrocities. Jeffries executed 240 of the political offenders in one session at Somerset, and it was his boast that he hanged more traitors than all his predecessors since the Conquest. General orders were given Jeffries and the judges to convict as many as they could, in order that the convicts might be bestowed as rewards on the courtiers. One of the orders directed that Sir Phillip Howard was to have 200, Sir Richard White 200, Sir W. Booth 100, Mr. Kendall 100, Mr. Nipps 100, Sir W. Stappleton 100, Sir C. Musgrave 100, and —, a merchant, 100. Jeffries estimated the worth of each convict, after paying all charges, from £10 to £20.

consequently there was an angry competition for grants among the courtiers, the aldermen and the magistrates. The courtiers proved victorious, and 841 of Monmouth's followers (who were generally regarded as martyrs who sealed with their blood the truth of the Protestant religion) were handed over to "the rapacious bloodsuckers," who were required to give security that the convicts should be sold as slaves to work in the King's plantations at Jamaica, Barbadoes, or any of the Leeward islands in America for the term of 10 years. About the same time the followers of the Duke of Argyle (who was beheaded in Scotland for heading a rebellion in that country) were, by order of the Privy Council, transported as slaves to Jamaica. Owing to the brutal disposition of the judges, and the arbitrary power they were armed with, few of those indicated escaped terrible punishment. Those transported were crowded together in the holds of small vessels, where all was starvation, lamentation, disease, and death. More than one-fifth were flung to the sharks before the voyage terminated, and the survivors, when landed, were mere skeletons, necessitating their being fattened by the merchants to whom they were consigned before they could be sold in the slave market.

It is not necessary to deal more fully with this part of the subject; and I have simply used it as an introduction to the larger and more comprehensive portions. America having shut the doors on that side, the authorities in England were compelled to look out for some other place that could be used as a moral rubbish heap. Convicts were accumulating rapidly, and it became indispensably necessary to adopt fresh expedients for their disposal; and in the choice of difficulties the system of the Hulks was suggested, and first adopted in 1776, under the authority of an Act of Parliament. Close

following this another Act was passed (16 Geo. III. cap. 43) by the Legislature, empowering the justices of every county in England to prepare Houses of Correction for the reception of convicts under sentence of death, to whom His Majesty should extend his Royal Mercy, to be kept at hard labour for a term not exceeding ten years. Three years afterwards another Act was passed, providing for the erection of two large Penitentiaries, one to hold 600 male and the other 300 female convicts. Power was given to the Court before whom any person was convicted of a transportable offence to order the prisoner, in lieu thereof, to be confined in any of these penitentiary houses, there to be kept to hard labour in the proportion of five years instead of seven years' transportation, and not exceeding seven years in lieu of fourteen years' transportation. The Act also provided for the continuation of the system of the Hulks; and declared that "for the more effectual punishment of atrocious male offenders liable to be transported, the Court may order such convicts as are of proper age, and free from bodily infirmity, to be punished by being kept on board ships or vessels, and employed in raising sand, soil and gravel, and cleansing the river Thames, or any other river or port approved by the Privy Council; or in any other works upon the shores or banks of the same, for a term not less than one year nor more than five; except an offender be liable to transportation for 14 years, in which case his punishment may be commuted to seven years on board the Hulks." Neither of these Acts were, however, carried fully into execution, and the authorities again began to consider how best to get the criminals out of the Kingdom.

In the year 1784 the system of transportation was again revived by Act 24th Geo. III. Stat. 2, Cap. 26, which empowered the Court before whom a male felon should be

convicted, to order the prisoner "to be transported beyond the seas, either within his Majesty's dominions, or elsewhere ; and his services to be assigned to the contractor who shall undertake such transportation." The same Act continued the Hulks for a further length of time, by directing the removal of convicts under sentence of death, and reprieved by His Majesty, and also such as were under sentence of transportation (being free from infectious disorders) to other places of confinement, either inland, or on board of any ship or vessel in the River Thames, or any other navigable river ; and to continue them so confined until transported according to law, or until the expiration of the term of the sentence should otherwise entitle them to their liberty. This plan of transportation, however, does not seem to have answered, from the great difficulty of finding any place where the service of convicts could be rendered reproductive or profitable to merchants who would undertake to transport them. Some few were sent to Africa, but the scheme did not work well, and it was abandoned—not, however, before the Government had incurred considerable expense, as is proved by the following extract from one of the reports of the Select Committee on Finance :—

	£	s.	d.
In 1785, George Moore, Esq., received for transporting convicts ...	1,512	7	6
John Kirby, for expenses ...	540	19	4
In 1786, John Kirby, further expenses	578	10	1
Anthony Calvert, for transpor- tation	285	14	0
Thomas Cotton, Esq., cloth- ing, &c.,	303	2	7
	<hr/> £3,721 13 6		

Then it was that the authorities turned their eyes to the land which Cook had discovered in the South. They formed the idea of "making an Establishment" for the outcasts in New South Wales; and that idea was followed up by determination, which found force in the year 1787, when an Act was passed (27 Geo. III. Cap. 2) authorising the establishment of a Court of Judicature for the trial of offenders who should be transported to the then unknown land. Another Act of the following year (28 Geo. III. Cap. 24), empowered His Majesty, under his Royal Sign Manual, to authorise any person to make contracts for the transportation of offenders, and to direct to whom security should be given for the due performance of the contract. Thus it was that the system of transportation to New South Wales was authorised and carried into execution.

The idea that Australia was the best country to succeed the American colonies and Africa as the receptacle of convicts from the overcrowded gaols of England originated with Thomas Lord Sydney, who was Secretary of State for the colonies from 1784 to 1789. The objects of the project were :—(1). To rid the mother country of the prisoners whose rapidly increasing numbers in the gaols rendered penal discipline so difficult; (2). to afford a proper place for the safe custody and punishment of the criminals, as well as for their reformation; (3). to form a free colony out of the materials which the prisoners thus reformed would supply, together with the free immigrants who might settle in the country after the work of settlement had been completed. The project was a wise one, but it did not meet with the approval of a few of the leading philanthropists of England, who stoutly opposed it by tongue and pen, and this opposition was only borne down by the Government

gagging the press, imprisoning one of the foremost objectors, and carrying on their work in secret. When their scheme was complete, in August, 1786, the Commissioners of the King's navy, having been furnished with a statement shewing all the criminals sentenced to transportation, published advertisements in the official *Gazette* and the *London Observer* intimating that the Government intended to charter seven vessels to convey between 700 and 800 felons to Botany Bay. They also posted placards conveying the same intimation at the most popular coffee-houses in London. The result was that the Treasury Board shortly thereafter concluded a contract with the owners of six vessels to convey the criminals to the new country. Three storeships were also engaged to accompany the fleet, and H.M.S. "Sirius," mounted with 20 guns, and an armed brig, the "Supply," were placed in commission. As it was expected that the voyage would last nearly a year, the work of fitting and equipping the vessels therefor was one of considerable magnitude, and several months elapsed before it was complete.

At different times the transports were loaded with their living freight, until the whole of the convicts had been "housed" in safety, being placed in irons (the females excepted) in the holds of the vessels, which were divided into compartments. When the squadron was ready to sail the total number of persons on board was 1036, and comprised 11 officials of the civil establishment, 18 officers forming the military staff, 184 marines from which the garrison was formed, 28 women, wives of the marines, with 17 of their children; and 586 male and 192 female convicts.

As it is with the prisoners that I have to chiefly deal, it is necessary that a few particulars concerning their characters should here be given. Many persons have taken it for

granted that the men and women who were honoured with the title of "first fleeters" were necessarily *first ruffians*—villains of the deepest dye—the worst of all the bad convicts of all England, Scotland, and Ireland. But nothing could be farther from the truth. They were in fact the picked men and women of the gaols, the major part being (to use the words of Captain Tench, who commanded one of the transports) "mechanics and husbandmen, selected on purpose by order of the Government." It must not be forgotten that in those days sentences of death were as frequently passed by the judges as magistrates' orders to inebriates to pay a fine of five shillings are made now-a-days, and the "crimes" to which the capital sentence was attached were, some of them, not so bad as the offence of drunkenness. Hence transportation was inflicted on hundreds—it may not be beyond the mark to say thousands—who were guilty of offences which in the present age are accounted most trifling, and which are now punished with a small fine, or at most a few weeks' imprisonment. It is on record that in 1789 a wealthy gentleman named Eyre was transported to Botany Bay for stealing a few quires of notepaper, and hundreds were sent across the seas for offences not in any degree greater than that. As late as 1818 a reverend doctor, who was tutor to the Earl of Chesterfield was transported hither for forging a tenpenny postage stamp to a letter. That gentleman—for he was a gentleman in every sense of the word—afterwards became famous in the land to which he was sent as a felon.

As previously stated, the number of convicts brought out in the first fleet was 778. It is stated that only those whose health was robust were chosen as the first Australian exiles, and this no doubt explains how it was

that so few of the "first fleeters" died on the voyage out, and how it was that so many of them lived to become very old colonists. From the returns furnished by the officials I find that of the 778, no less than 265 were convicted in London, 55 in Exeter, 25 in Bristol, 18 in Gloucester, 18 in Launceston, 16 in Kingston, 14 in Maidstone, 13 in Reading, 12 in Winchester, 12 in Shrewsbury, 12 in Manchester, 10 in Worcester, 9 in Warwick, 9 in Dorchester, and several in each of the towns of Liverpool, York, Croydon, Oxford, and other places. Out of the 778 exiles nearly 700 were sentenced to 7 years' imprisonment, and the sentences of 5 of them commenced in 1782, 41 in 1783, 190 in 1784, 209 in 1785, 168 in 1786, and 51 in 1787. There were 4 of the exiles who had in 1786 been sentenced to 5 years' imprisonment, and only 24 sentenced to 14 years in 1785 and 1786. Only 39 were sentenced to penal servitude for life, and 17 of this number were convicted in 1785. So that before the colony had been established five years no less than 650 of the 778 had served their sentences and become free.

Having thus briefly traced the initial steps of the transportation movement, to the point when everything was in readiness for the order to be given for the ships to hoist sail and start on their adventurous journey, it will be interesting to more fully dwell upon the penal laws in operation in England at that time; and this cannot properly be done unless a full chapter is devoted to the subject.



CHAPTER II.—THE ENGLISH CRIMINAL CODE.

DRACONIAN LAW—A COIN MORE VALUABLE THAN A PARENT—
BROAD DISTINCTIONS—ONE HUNDRED AND SIXTY CAPITAL
OFFENCES—"BENEFIT OF CLERGY"—HIGH TREASON—
PETTY TREASON—THE DIFFERENT KINDS OF FELONIES—
ONE-SIDED CHIVALRY—DISINCLINATION TO PROSECUTE—
ESCAPE OF OFFENDERS—PERNICIOUS EFFECT OF UNDUE
SEVERITY—DEATH SENTENCES COMMUTED TO TRANSPOR-
TATION—ESCAPING THE HANGMAN IN THE OLD WORLD TO
MEET HIM IN THE NEW.

IT was DRACO who boasted that he punished all crimes with death, because small crimes deserved it, and he could find no higher punishment for the greatest ; and the spirit of that bloodthirsty ruler appears to have breathed in the Criminal Code of England more than 2000 years after he had passed beyond the power of punishing others. The severity of that criminal law, as it stood and operated as late as the year 1800—to come no nearer the present enlightened age—was even then an object of horror, and the disproportion of the punishments was such as would have put any savage nation to the blush. The extraordinary severity with which the smaller offences were punished had the effect of inuring men to baseness, and of plunging them into the sink of infamy and despair, out of which they invariably arose capital criminals. What wonder that the gaols should overflow and that the hangmen should be kept incessantly at work !

It was considered by the Law a greater crime to coin a sixpence than to kill father or mother. For committing a personal assault of the most cruel, aggravated, and violent

nature the offender was simply fined or imprisoned ; but if he were proved guilty of stealing from his neighbour more than the value of twelve-pence the Law doomed him to death. It was death to rob a man of more than a shilling ; it was only death to murder a whole family ; but the seduction of a married woman, involving the destruction of the peace and happiness of families, was not an offence punishable by the criminal law at all. Is it not a fact that there is still a little of the old leaven left ?

The Legislature drew a broad line of distinction between personal and public offences, and inflicted greater punishments upon offenders who committed what were termed political crimes, and crimes upon property, than on those who grossly violated the clearest principles of virtue. By the Laws of England there were *above one hundred and sixty* different offences which subjected the parties who were found guilty thereof to "death, without benefit of Clergy." Well might Dr. Colquhoun ask, when seeking to effect a reform in the Law in 1800:—"Can that be thought a correct System of Jurisprudence which inflicts the penalty of Death for breaking down the mound of a fish-pond, whereby the fish may escape ; or cutting down a fruit tree in a garden or orchard ; or stealing a handkerchief, or any trifle, privately from a person's pocket, above the value of 12d. ; while a number of other crimes of much greater enormity, are only punishable with Transportation and Imprisonment ; and while the punishment of murder itself is, and can be, only Death, with a few circumstances of additional ignominy ?"

As the term "Benefit of Clergy" will be found attached to many sentences, an explanation thereof will be proper here:—Benefit of Clergy, *privilegium clericale*, arose in the regard paid by Christian Princes to the church, and consisted

of: 1st, an exemption of places consecrated to religious duties from criminal arrests, which was the foundation of "sanctuaries;" 2nd, exemption of the persons of Clergymen from criminal process before the secular judge, in particular cases, which was the original meaning of the *privilegium clericale*. The "benefit of clergy" was afterwards extended to everyone who could read; and it was enacted that there should be a prerogative allowed to the clergy, that if any man who could read were to be condemned to death, the bishop of the diocese might, if he would, claim him as a clerk, and dispose of him in some places of the clergy, as he might deem meet. The ordinary gave the prisoner at the bar a Latin book, in a black Gothic character, from which to read a verse or two; and if the ordinary said "*legit ut clericus*" ("He reads like a clerk"), the offender was only burnt in the hand; otherwise, he suffered death. This was in the time of Edward I (1274). In 1489 the privilege was restricted by Henry VII; and abolished, with respect to murderers and other great criminals, by Henry VIII, in 1512. The reading was discontinued in 1706 (5 Anne, c. 6); and Benefit of Clergy was wholly repealed in 1827, by 7 and 8 George IV., c. 28.

The highest civil crime which could be committed by any person was High Treason, which was divided into seven different heads, namely:—

1. Compassing or imagining the death of the King, Queen, or Heir Apparent.
2. Levying war against the King in his realm.
3. Adhering to the King's enemies, and giving them aid, in the realm or elsewhere.
4. Slaying the King's Chancellor or Judge in the execution of their offices.

5. Violating the Queen, the eldest daughter of the King, or the wife of the Heir Apparent, or eldest Son.
6. Counterfeiting the King's Great Seal, or Privy Seal.
7. Counterfeiting the King's Money, or bringing false Money into the Kingdom.

There is something supremely ridiculous in this blending of crimes, the dignity and security of the King's person being confounded with his effigies impress on his coin. It was as great a crime to forge the impress on the one as to strike the head from the other. The punishment for High Treason was death—and death under circumstances most horrifying in their brutality, the judgment being:—*“That the offender be drawn to the gallows, on the ground or pavement: That he be hanged by the neck, and then cut down alive: That his entrails be taken out and burned while he is yet alive: That his head be cut off: That his body be divided into four parts: And that his head and quarters be at the King's disposal.”* Women, however, were only to be drawn and hanged, although previous to this period they were sentenced to be burned. One marvels that judges could be found to pass such a sentence as this, and that any community, however much borne down by militaryism, could suffer it to be carried out. Surely there were some who shuddered at the thought of imbruing their hands in blood, and mangling the smoking entrails of their fellow-creatures! In its severity the law of China was not more rigorous, for traitors under it were only ordained to be cut into a thousand pieces.

Petty Treason—defined as the offence of “a servant killing his master, a wife killing her husband, or a Secular or Religious killing his Prelate—was also punishable with death.

The offences denominated Felonies ranked next in

enormity to Treason, and the capital punishment attached to nearly all of them. Felonies were of two kinds—public and private. Public felonies were those which had peculiar relation to the State—those relative (1). to the coin of the realm; (2). to the King and his Counsellors; (3). to soldiers and marines; (4). to embezzling public property; (5). to riot and sedition; (6). to escape from prison; and (7). to revenue and trade. Amongst private felonies the following offences were classed :—murder, manslaughter, sodomy, rape, forcible marriage, polygamy, maiming, simply larceny, “mixt larceny,” piracy, arson, and burglary. After the murderer had suffered death his body was handed over for dissection, and (as also in the case of the suicide) his property was confiscated to the State. The punishment for manslaughter was burning in the offender’s hand and having his goods forfeited. Unnatural crime and rape were punishable with death, as also was the offence called “Forcible Marriage, or Defilement of Women;” but in the latter case the security of property was deemed to be more important than the preservation of chastity—thus: It was made felony without the benefit of clergy to take away, *for lucre*, any woman having lands or goods, or being an heir apparent to an estate, by force or against her will, and to marry or to defile her; but the forcible marriage or defilement of a woman *without an estate* was not made punishable at all. Like some of the Knights of old, the Law was very chivalrous towards ladies who possessed the high virtue of wealth! Thank God, the chivalry of our day is more far-reaching than was that of the eighteenth century.

Polygamy was first declared felony by the statute of James the First, Cap. II., but not excluded from benefit of clergy, and offenders were not, therefore, subject to the death

penalty. Transportation was the punishment, but no record has been found to shew that any of the convicts who came to New South Wales had a plurality of wives before they left the "old country"—although not a few of them committed bigamy after their arrival here, the "first love" being separated by a wide expanse of ocean from the second.

Mayhem was defined to be "maiming, cutting the tongue, or putting out the eyes of any of the King's liege people, slitting the nose, cutting off a nose or lip, or cutting off or disabling any limb or member, by malice forethought and by lying in wait with an intention to maim or disfigure." The offence was punishable with death.

Simple Larceny was divided into two parts, viz.—Grand Larceny and Petit Larceny. The first was defined to be "the felonious taking and carry away the mere personal property or goods of another, above the value of twelve-pence," and was punished with death and the forfeiture of property. Petit larceny was where the goods were under the value of twelve-pence, and in this case the punishment was (according to the character of the offence) imprisonment, whipping, or transportation, with forfeiture of goods and chattels.

The taking from a man or from his house was called Mixed Larceny; if a person was previously put in fear or assaulted the crime was denominated Robbery. The following "domestic aggravations" of Larceny were punishable with death, without benefit of clergy:—*First, larcenies above the value of twelve-pence*, committed—1st, in a church or chapel, with or without violence or breaking the same; 2nd, in a booth or tent, a market or fair, in the daytime or in the night, by violence or breaking the same, the owner or some of his family being therein; 3rd, by robbing a dwelling in the

daytime, any person being therein; in a dwelling-house by day or by night, without breaking, any person being therein, and put in fear. (This amounted to robbery, and in both the last cases the accessory before the fact was also excluded from benefit of clergy.) *Secondly, larcenies to the value of five shillings*, committed:—1st, by breaking any dwelling house, outhouse, shop, or warehouse thereunto belonging in the daytime; 2nd, by privately stealing goods, wares, or merchandise in any shop, warehouse, coachhouse, or stable, by day or night, though the same was not broken open, and though no person was therein. *Thirdly, larcenies to the value of forty shillings*, from a dwelling house or its outhouses, although the same be not broken, and whether any person be therein or not, unless committed upon their masters by apprentices under the age of fifteen years.

Arson was a capital offence, although if a man burned his own house, without injuring any other, it was only counted a misdemeanour, and was punished by fine, imprisonment, or the pillory. The capital part of the offence was extended to persons burning barns or stacks of corn or setting fire to stacks of straw, hay or wood, or rescuing any such offender; setting fire to a coal-mine, windmill, watermill or other mill, or pulling down the same; burning any ship; burning the King's ships of war, afloat or building, the Dock-yards, or any of the buildings, arsenals, or stores therein: or *threatening* by anonymous or fictitious letters to burn houses, barns, &c., All these offences were made felony without benefit of clergy.

— Burglary was also punishable by death, and accessories before the fact were also brought under the capital sentence.

The other principal crimes punishable by the deprivation of life, or where, upon the conviction of the offender, the judge had to pronounce sentence of death, were:—

-
- Stealing an heiress ; Forgery of deeds, bonds, &c.
Bankrupts not surrendering, or concealing their effects.
Highway robbery ; Stealing bank notes, bonds, &c.
Stealing linen from bleaching grounds, or destroying the same.
Maiming or killing cattle maliciously.
Stealing horses, cattle, or sheep.
Shooting at a revenue officer, or at any other person.
Breaking down the head of a fish-pond, whereby fish may be lost.
Cutting down trees in an avenue, garden, &c.
Cutting down river or sea banks, or hop binds.
Taking reward for helping another to stolen goods.
Returning from Transportation, or being at large in the Kingdom after sentence.
Stabbing a person unarmed, or not having a weapon drawn, if he die within 6 months.
Concealing the birth of a bastard child.
Sending threatening letters.
Riots by twelve or more, and not dispersing in an hour after proclamation.
Stealing woollen cloth from Tenter ground.
Stealing from a ship in distress.
Challenging jurors above 20 in capital felonies, or standing mute.
Selling cottons with forged stamps.
Deer-stealing, second offence.
Uttering counterfeit money.
Prisoners under Insolvent Act guilty of perjury.
Destroying silk or velvet in the loom ; or the tools for manufacturing same ; or destroying woollen goods, racks, or tools, or entering a house for that purpose.
-

Servants purloining their master's goods, value 40/-
Personating bail, or acknowledging fines or judgments
in another's name.

Escape by breaking prison ; Sacrilege.

Attempts to kill Privy Counsellors, &c.

Smuggling by persons armed, or assembling armed for
that purpose.

Robbery of mail.

Destroying turnpikes or bridges, gates, weighing engines,
locks, sluices, engines for draining marshes, &c.

Mutiny ; Desertion ;

Soldiers or sailors enlisting into Foreign Service.

The following crimes, denominated "Single Felonies,"
were punishable by Transportation, Whipping, Imprison-
ment, the Pillory, and hard labour in Houses of Correction,
according to the nature of the offence :—

Grand Larceny, which comprehended every species of
theft above the value of one shilling not otherwise
distinguished.

Receiving or buying stolen goods, jewels, and plate.

Ripping or stealing lead, iron, copper, &c., or buying or
receiving same.

Stealing or receiving ore from black lead mines.

Stealing from furnished lodgings.

Setting fire to underwood.

Stealing letters, or destroying a letter or packet,
advancing the postage, and secreting the money.

Embezzling naval stores.

Petty larcenies, or thefts under one shilling.

Assaulting with intent to rob.

Aliens returning, after being ordered out of the Kingdom.

Stealing fish from a pond or river, fishing in enclosed ponds, or buying stolen fish.

Stealing roots, trees, or plants, of the value of 5/- or destroying them.

Stealing children, with their apparel.

Bigamy, or marrying more wives or husbands than one.

Assaulting or cutting, or burning clothes.

Counterfeiting the copper coin.

Solemnizing marriage clandestinely.

Manslaughter; Cutting or stealing timber trees.

Stealing a shroud out of a grave.

Watermen carrying too many passengers in the Thames, if any drowned.

Perjury; Frauds, by cheating or swindling.

Conspiring to injure others.

Stealing dead bodies.

Stealing growing cabbages, turnips, &c.,

Cutting and stealing wood.

Robbing orchards and gardens.

Stealing deer from forests.

Stealing dogs.

Making and selling fireworks and squibs.

Throwing the same when on fire about the streets.

Uttering base money.

Embezzlements in the woollen, silk or other manufactures.

Combinations and conspiracies for raising the price of wages.

Keeping bawdy and disorderly houses.

Escaping out of House of Correction.

Committing the same offence, after being once punished as rogues and vagabonds.

The attachment of such heavy punishment to offences of the most trivial kind created a wide-spread feeling against prosecuting offenders in the minds of the public; and the consequence was that a large amount of petty crime was allowed to go unpunished. And even when sentence was passed it was in many cases not carried out. A few sentences from Dr. Colquhoun's "Treaties on the Police of the Metropolis,"—1780, will shew the reader how this happened. He says:—

"It generally happens in the metropolis that out of from 2,000 to 2,500 prisoners who are tried for different crimes in the various Courts of Justice, above five-sixth parts are for larcenies, acts of vagrancy and smaller offences, where the Benefit of Clergy either attaches, or does not apply at all. The major part are, of course, returned upon Society, after a short imprisonment, or some corporal punishment, so frequently to renew their depredations on the public. But a vast proportion are always acquitted. (He shews by statistics that out of 1894 prisoners tried at the Old Bailey and the different assizes in the country, in the years 1795, exclusive of a greater number at the smaller Courts, no less than 845 were acquitted, chiefly for want of prosecutors).

According to the present system, out of about two hundred and upwards who are, upon an average every year, doomed to suffer the punishment of death, four-fifths, or more are generally pardoned, either on condition of being transported or of going into his Majesty's service, and not seldom without any condition at all. Hence it is that, calculating on all the different chances, encouragement to commit crimes actually arise out of the system intended for their prevention—first, from the hope of avoiding detection and apprehension; secondly, of escaping conviction, from

the means used to vitiate and suborn the evidence ; thirdly, from the mercy of the jury, in considering the punishment too severe ; and fourthly, from the interest of persons of rank or consideration applying for the interference of Royal mercy, by pardons."


Thus we see that the laws of England at the time Transportation to Australia was instituted had a most pernicious effect. On the one hand cruelty in punishment for slight offences often induced, or drove, the offenders to pass on from the trifling to the more atrocious crimes on the principle that they might just as well be hanged for a sheep as for a lamb ; on the other hand, it tended to multiply offences, men generally having a disinclination to prosecute, and the viciously-inclined taking advantage thereof in order to indulge their inclinations.

This was the condition of affairs when the ships under Governor Phillip left their anchorage to bear across the seas the seeds of the "Greater Britain in the Southern World"—and for many years thereafter. Yet there be people who sigh for the "good old times! The good Lord deliver us from ever falling back upon such times as those!

The punishment, then, considered in point of law next to that of deprivation of life was Transportation, and when this new field across the seas was opened up sentences of transportation in many cases were substituted for sentences of death, and many a poor wretch owed his life to the occupancy of the "new land" by the British ; although, as will be seen during the progress of this story, not a few of them escaped the gallows in the old country to find it in the new, or to enter upon a course of suffering a thousand times worse than death.

CHAPTER III—THE VOYAGE OF THE FIRST FLEET.

STARTING OF THE FLEET—DISAGREEMENT AMONG THE SEAMEN
—THE EMBARKATION—THE IRONS CLANK “FAREWELL”—
PARTING REGRETS—SHORT-LIVED SORROW—CONVICTS
RELEASED FROM IRONS—ATTEMPTED INSURRECTION—
ATTEMPT TO ESCAPE—A PLEASANT BREAK—NEAR
SHIPWRECK—CROSSING THE LINE—DISGRACEFUL PROCEED-
INGS—THREE HUNDRED LASHES APIECE—OUTBREAK OF
MUMPS—POISONED WITH BILGE WATER—FIRST LETTERS
“HOME”—A STOCK OF SEEDS AND PLANTS—FIRST BIRTH—
SHORT PROVISIONS—HEADING FOR BOTANY BAY—ENTERING
THE BAY—THE LANDING—REMOVING TO PORT JACKSON—
ESTABLISHING THE GOVERNMENT.

 VOYAGE from England to the Antipodes in 1787 was not such a pleasurable thing to contemplate or experience as it is in the day and generation now existing. The century has worked it changes, and in nothing have the changes been more marked than in that of the “art” of navigation. The thirty days’ pleasure trip of 1887 was the nine-months’ hazardous voyage of 1787, and it was upon this voyage that the First Fleet started on the 7th May in the year last mentioned. It will be interesting to note a few of the details of the voyage, as they have come down to us through various sources.

The first difficulty which presented itself was one connected with the seamen, who, when the fleet had been got under weigh, refused to proceed to sea unless their wages were paid up to date. The fleet was brought to an anchor and the ringleaders in the disturbance having been ordered on board H. M. frigate *Hyæna*, 24 guns, (which had been

told off to see the fleet safely down the channel and one hundred leagues to sea), and an advance of two months' wages having been paid to the crews of the transports, the difficulty was removed, another start was made. At daybreak on May 16th, the English Channel was cleared.

One of the earlier convicts, who afterwards became somewhat famous in New South Wales, thus describes the embarkation and initial movements of the floating "Black Marias" employed to convey exiles to the new land, and his narrative may be taken as fairly descriptive of the first voyage undertaken :—

"My fellow prisoners, to the amount of upwards of 200, were all ordered into the hold, which was rendered as convenient as circumstances would admit, battens being fixed fore and aft for hammocks, which were hung 17 inches apart from each other; but being encumbered with their irons, together with the want of fresh air, soon rendered their situation truly deplorable. To alleviate their condition, as much as was consistent with the safety of the ship, they were permitted to walk the deck in turns, ten at a time; the women, of whom we had six, had a snug berth made for them, and were kept by themselves.

"My messmate, the boatswain (the writer had purchased certain privileges above his fellows, having a little money and some influential friends) had provided me with a neat slung hammock, and gave me a berth next his own; at the same time addressing some of his shipmates who were present, with,—'Lookee, my hearties, as I know you are all above distressing a gentleman under misfortune, I'm sure you will consent to his having this here berth; but if so be as how any of you don't like it, why, you may have mine—it isn't the first time I have prick'd for the softest plank.' Whether

from the oratory of my new friend, or the insinuating appearance of a large can of flip, produced from an ample liquor case, which promised a succession of the same arguments, the iron muscles of his auditors were softened down to a significant smile, and universal nod of assent. The settling of this important business afforded me great satisfaction, as it not only assured me a comfortable berth for my hammock, but a place also for my little property, which I should have immediately under my eye.

“ We lay about a week at Long Reach, when we dropt down to Gravesend; here the captain came on board, and some soldiers of the New South Wales Corps; we got under weigh the next morning, and proceeded to the Downs; it blowing strong to the westward, we came to an anchor. The wind veering about we were at daybreak again under sail, and arrived at the Mother Bank, where lay several other transports for the same destination.

“ It was about ten days before we were ready to sail from hence, the interval being employed in getting fresh stock and replenishing our water. On the report of our being ready for sea being made to the admiral, a lieutenant of the navy came on board, as agent for transports, and immediately made the signal for the masters of the other ships to come on board, to whom he delivered their sailing instructions, and on the following morning made the signal to weigh. By a quarter past 9 we were under easy sail, and it blowing a stiff easterly breeze, we ran through the Needles. It was delightful weather, and the prospect on each hand must have afforded the most agreeable sensation to every beholder, being, perhaps, as rich and luxuriant as is anywhere to be met with; but, alas! it only brought a fresh pang to the bosom of one who in all probability was bidding it adieu for ever.

“The weather continuing moderate, and the wind fair, we imperceptibly glided down the Channel, and had lost sight of Old England, before I turned out the next morning. My frequent trips from Ireland to England had in some measure inured me to salt water, nor did I want my sea-legs in a most violent gale which took place the third day after we lost sight of the land and which for near ten hours baffled the skill of all hands. Two men were blown from the maintop-sail yard and the sail split to ribbons; all our endeavours to save the men proved ineffectual. Soon after our fore-topmast went over the side, and carried four men and two boys with it; but they were providentially taken up, having kept fast by the wreck.”

It would serve no good purpose to speculate concerning the sorrowful and melancholy emotions that must have filled the breasts of the exiles as the shores of their native land were gradually lost to their sight, and they fully realized that they were bound for an unknown country in the far distance. Concerning this matter, one of the officials, Captain Tench says:—“The general marks of distress were more perceptible among the men than the women, for I recollect to have seen but one of these affected on the occasion, ‘some natural tears she dropped, but wiped them soon.’ After this the accent of sorrow was no longer heard, more genial skies and change of scene banished repining, and regret and discontent, and introduced in their stead cheerfulness and acquiescence in a lot now not to be altered.”

Governor Phillip having received from the commanding officers of the transports favorable reports concerning the conduct of the convicts, before the fleet had been at sea many days humanely issued instructions for the masters of the ships to release the male convicts from their irons, so that they could

strip their clothes off at night, and during the day wash and keep themselves clean. This order extended to the whole of the exiles, without exception, no danger of an uprising being apprehended, and the number of marines on board the vessels carrying the males being considered sufficiently large to quell any disturbance, should any arise. But this partial freedom had only been in operation for three days when a scheme was concocted by some of the wilder spirits on board, which, if it had been successful, would have resulted in more trouble than one could easily imagine. Here is the story, as told by the privileged convict from whose history a few sentences have already been quoted:—

“The captain, with great humanity, had released the convicts, many of whom were in a weakly state, from their irons; and, as I have before observed, they were allowed alternately, ten at a time, to walk on deck. Two of them—Americans, who had some knowledge of navigation, prevailed upon a majority of their comrades to attempt seizing the ship impressing them with the idea that it would be easily effected, and that they would carry her to America, where every man would not only attain his liberty, but receive a tract of land from Congress, besides a share of the money arising from the sale of the ship and cargo. These arguments had the desired effect, and it was determined the first opportunity that a part of those on the deck, should, while the officers were at dinner, force the arm-chest, which was kept on the quarter-deck, at the same time make a signal to two of them, who should be keeping the sentinels in discourse, to attack them, get possession of their arms, and pass the word for those below to rush upon deck.

“This conspiracy was conducted with the greatest secrecy, and put in execution with equal spirit and audacity.

A favorable opportunity presenting itself, the captain and most of the officers being below examining the storage of some wine, a cask having leaked out in the spirit room, I was the only person on the deck excepting the man at the helm. Hearing a scuffle on the main deck, I was going forward but was stopped by one of the Americans, followed by another convict, who made a stroke at me with a sword he had wrested from one of the sentinels, which was put aside by a pistol which the other had just snapped at me. I snatched a handspike luckily in my reach, and brought the foremost to the ground. The man at the helm had quitted the wheel and called up the captain. I still kept my situation, guarding the passage of the quarter-deck, my antagonists having retreated a few paces, but being joined by many others, were rushing on me, when the discharge of a blunderbuss from behind me amongst them wounding several, they retreated, and I was immediately joined by the captain and the rest of the officers, who, in a few minutes, drove them all into the hold. An attempt of this kind required the most exemplary punishment, and accordingly two of the ring-leaders were instantly hung at the yard-arm, and several others severely flogged at the gangway. As soon as the conspirators were re-ironed, and the tranquillity of the ship restored, the captain paid me many compliments in having, as he was pleased to say, saved the ship, and assured me that when we arrived at the Cape he should, on the part of his owners, think it his duty to reward the services I had by my courage and presence of mind rendered them; at the same time he gave the steward orders to supply me with anything I might have occasion for from his storeroom during the voyage."

I have preferred to take this account from one who actually witnessed the incipient insurrection, rather than that supplied by an historian of our own times, whose brief narrative runs thus :—"The indulgence (freedom from irons) had only been enjoyed three days when an exile on board the Scarborough revealed to Captain Shea a scheme which many of the exiles had proposed to make themselves masters of the ship and sail away as pirates. When Governor Phillip heard of the intended insurrection he ordered the two ringleaders to be brought on board the Sirius, and interrogated. The men steadfastly denied the existence of the design imputed to them, and being adjudged guilty they each received two dozen lashes at the hands of the boatswain's mate, were heavily ironed, and sent on board the Prince of Wales. The two informers received pardons, and were landed (where?), while the whole of the exiles, for the wrong-doing of a few, were ordered to be confined with additional security." The first story is the simplest. It bears the impress of truth upon the face of it; and having been published in the year 1803. when many of the officials and convicts must still have been living, the story would most certainly have been contradicted if the facts mentioned in it had been only "truth inverted."

No other attempt at insurrection was made during the voyage, but an unsuccessful attempt to escape from one of the transports was made by a convict, named Power, on the night of June 7th, when the fleet was anchored in the road of Santa Cruz. Power slid down a rope at the ship's bows into a boat, and in it reached a Dutch East Indiaman, but the captain refused to receive him as a seaman, and he then pulled ashore. A search was instituted for the missing man, and he was found on the following day secreted in the cavity of a rock, the face of which he had been unable to climb.

He was offered the choice between surrendering and being shot, and having surrendered was first severely punished and then heavily ironed as a relief.

It was daylight on June 3rd that the Island of Teneriffe was sighted, and when the ships had anchored in the bay of Santa Cruz the *Sirius* was boarded by the port officer and some Spanish noblemen, and fraternal greetings were exchanged. The Governor of Teneriffe extended the greatest hospitality to the representative of the British Government, and entertained Captain Phillip and his officers right loyally rendering great service in supplying the fleet with necessary refreshments. In acknowledging the thanks conveyed to him just prior to the departure of the fleet, the Governor said he felt an interest in the new settlement, the extent and situation of which had been shewn him on a chart of the world, and expressed a hope that it would answer "the anticipations of those who had entered as volunteers on so novel and very uncertain a service." No persons could have a better opportunity of deciding whether those anticipations have been realized than the people who now swarm over the land to which the faces of the voyagers were then turned.

On the 18th some of the transports had a narrow escape of running on the Bonavista rocks, which endangered Captain Cook's ship on his last voyage, the weather being remarkably hazy; and when approaching the equator, after having encountered the trade winds, and experienced delay through heavy squalls, the weather was so insufferably hot and oppressive that many of the female convicts, as also not a few of the men, fainted away and were afflicted with fits. But in the midst of all their trouble the seamen on board the transports gave themselves up to the performances attendant upon "crossing the line."

These performances have been thus minutely described by the convict Barrington in his account of the voyage across the water :—

✓ “The ceremony of ducking and shaving was punctually observed. At noon a hoarse voice hailed the ship, as from the sea, with ‘Ho! the ship, ho!’ which was answered by one stationed for that purpose with ‘Hallo! what ship’s that?’ ‘The Albermarle.’ ‘I don’t recollect her passing this way before—I shall come on board and examine her.’ Upon which half a dozen most grotesque figures entered the ship, as if from the bosom of the deep, having previously slung a grating under each bow as a stage to ascend from. With great solemnity they proceeded to the quarter-deck. The principal persons were Neptune and Amphitrite, attended by their nymphs and neriads, personated by the oldest seamen in the ship, but so disfigured with red ochre, robes, and wigs made of ravelled spun yarn, that it was a difficult matter to recognise their persons. After receiving a double toll from the captain, it being the first time of the ship’s crossing the line, consisting of half a gallon of liquor and two pounds of sugar, they in turn questioned every person on deck. When anyone said he had crossed before, and had not, his watery majesty, with great dignity, turning to one of his attendants, who held a large book, said, ‘Look if you have this gentleman down in my log book?’ which being answered in the negative, the rum and sugar were instantly demanded. Having finished with the quarter-deck, they proceeded to the examination of their own comrades, after having prepared for the ceremony of treating those who could not pay with a view of Neptune’s collar. For this purpose they had made a ✓ tackle fast to the main-yardarm, through which they rove a rope, with an iron crow made fast to the end for a seat, The

only exhibition was on the person of the cook, who, not being of the most conciliatory disposition, most of the ship's company owed him a grudge ; and as he peremptorily refused to pay, though in his power, they placed him on the crow and brought the yard-rope between his legs, making another fast round him, to prevent the possibility of his falling. They then swung him off, and running him close up to the yard, soused the poor devil from the height of near fifty feet into the water. This they performed thrice. When they took him on board he was so exhausted that his life was thought in danger, which put an end to this part of the ceremony, and the other defaulters were let off with only a shaving, performed by Neptune and his assistants. The party was seated on a piece of board placed across a large tub ; the razor, part of an iron hoop, and the soap, not the finest Windsor, but a composition of tar, tallow, and every filth they could collect. The disagreeableness of this operation, exclusive of the smart, the hand of the shaver not being of the lightest, occasions a struggle to get from under it, in which the board whereon he is seated gives way, and the poor pilgarlick is unexpectedly emerged over head and ears in bilge water. Those destined for this operation are kept close prisoners, so that they are totally ignorant of what they are to go through, and when the ordeal is once passed they think no more of it, but shake their ears and assist in carrying on the joke. The forfeits made them all as merry as grigs, and the day closed with dancing and songs on the forecastle, and everybody (the cook excepted) forgot their temporary mortifications, and joined in the evening's conviviality."

During this part of the voyage, a most disgraceful promiscuous intercourse took place between the marines and

seamen and the women convicts when the hatches were off at night time, and it was only checked by the liberal use of the "cat-o'-nine-tails," several of the delinquent sailors being treated to as many as three hundred lashes apiece. When in this locality, also, it became necessary to restrict the service of water, the adverse winds preventing progress. Three pints of water per day, exclusive of one quart for boiling peas and oatmeal, was the quantity measured out to each person—not a large allowance under even favourable circumstances, and far from sufficient under such heat and a diet of salt provisions. Fresh provisions had been liberally served during a stay of the fleet at Teneriffe, and but for this break in the scurvy-promoting feeding there would undoubtedly have been much sickness and many deaths. All things considered, the sickness and mortality tables shewed a not unsatisfactory record. Just before the fleet left the Mother Bank, a sporadic disease, like the mumps, broke out among the marines and exiles, but by frequent explosions of gunpowder, lighting fires between decks, a liberal use of oil of tar, and keeping the bedding and clothing dry, the outbreak was combatted; and when at Teneriffe the surgeon's sick list shewed only nine marines and 72 exiles under medical treatment, while only 21 of the convicts and three of their children had died. The voyage from Teneriffe to Rio de Janiero lasted eight weeks, and at the latter place Dr. White reported 95 persons of all descriptions on the sick list, 30 having symptoms of scurvy and four being down with fever. But this was not at all remarkable, for the ships were found to be in a most unwholesome state. At one time the sick-list was very heavy, and the lives of the exiles were endangered by the carelessness of the masters of some of the transports to daily pump the bilge water out of their vessels.

Numbers of them became very ill, the water having risen so much and become so offensive that the panels in the cabins, and even the buttons on the uniform of the officers, were blackened by the disease—breeding exhalations. When Dr. White inspected the ships on 18th July he reported that the stench from the holds, when the hatches were removed, was almost unbearable. The fleet was detained a month at Rio Janiero by calms, and during this time oranges and other tropical fruits were liberally distributed amongst the convicts. Two fatal accidents happened between Teneriffe and the Brazils—a seaman on one of the transports fell overboard, and a female convict was crushed to death by a boat falling on top of her from off the booms.

Several events of interest transpired during the stay of the fleet in this harbour. An exchange of visits took place between the Viceroy and Governor Phillip, the former shewing marked civility to the English captain and his officers, and extending great hospitality to them. Divine service was held twice on each Sunday on two of the transports by Rev. R. Johnson, the chaplain who accompanied the voyagers to Botany Bay, and who was the only clergyman in the settlement for several years. An observatory was erected by Lieutenant Dawes on the Island of Enchadus; and Captain Phillip sent despatches home by a whaler which was returning to England and had put into Rio for repairs, many of those on the fleet also seizing the opportunity to send letters “home” to their friends and relatives. But the most interesting event that transpired was the shipment of plants and seeds from the port for the new settlement, the following being taken on board:—Coffee, plant and seed; cocoa seed, in the nut; cotton seeds, jalap, three sorts of ipecacuhana, tamarind, banana plants, oranges of various kinds, both seeds

and plants ; lime and lemon seeds and plants, guava seeds, prickly pears, with the cochineal seeds upon it ; grape vines, tobacco plants, rice for seed, and pommerose or eugonia, a plant bearing an apple-like fruit and having the flavour and odour of a rose. Besides fresh provisions there were purchased 100 casks of cassada or caffava jatropa, the root of a shrub which, after being deprived of its noxious qualities, forms palatable and nutritious food like bread. There was not much wine to be got at that season. but 100 pipes of a spirit called aquadente, drawn by the Portuguese from their sugar canes, was purchased at a low figure for the garrison. This liquor was the earlier "colonial rum," which played so conspicuous a part in the commerce of the new colony, as detailed in "The Story of the Ten Governors." The deficiency in the military stores was also made good from the Portuguese arsenal.

Resuming their voyage the exiles and their custodians made for Table Bay, at the Southern extremity of Africa, which was to be the final place of refreshment. The fleet was saluted by 21 guns from Fort Santa Cruz, and the Sirius returned the compliment. A return was here made to a more liberal allowance of water, the order being passed from the Sirius to the other vessels that everyone should have an allowance of three quarts per day.

The first birth on the voyage took place when the fleet was near Rio Sugar Loaf, a female convict named Mary Broad giving birth to a fine girl. This was on the 8th September. Nine days afterwards (the weather having been very wet and unpleasant during the interim) a shark six feet long was caught, and served to break the monotony in the mess on board the transports. On October 4th 30 of the convicts were reported as afflicted with scurvy, and on the

sixth four seamen were punished for having conspired to release some of the exiles when the fleet reached the Cape. On the night of the 13th the fleet came to anchor in Table Bay, and Captain Phillip and the Commissary at once went ashore, and made a formal request of the Governor of the settlement to purchase provisions, especially flour and corn, of which the fleet stood greatly in need. The Governor replied that he feared the request could not be complied with, as the Colony had recently suffered from a severe drought, resulting in distress bordering upon famine, and that consequently such provisions were scarce; he promised, however, to refer the matter to the Cape Council, and this he did, but it was only through persistently urging the extremity of the voyagers that Captain Phillip could induce the Councillors to grant permission to contractors to furnish the much-needed supplies. A contract was then entered into with Messrs. De Witt and Caston to supply the fleet with the live stock, corn, and other necessities, and after a little delay the provisions were embarked. During the stay of the fleet in port one and a half pounds of soft bread and a similar quantity of beef or mutton were served to the voyagers for their daily ration, wine being served also in lieu of spirits.

The live stock here secured formed the foundation of that pastoral industry which to-day forms the pride and profit of the Australasian colonies, Captain Phillip had received orders from the Admiralty to select as much stock at the Cape as could conveniently be stored on the ships, and he carried out his instructions as far as permitted by the scarcity caused by the preceding drought and the holding capacity of the vessels under his command. During the month of the fleets' stay in port he transferred from the land to the ships 500 birds and animals, stalls having been erected

for their accommodation. The stock embarked on the public account comprised:—three mares, each having a three-months' old colt at foot, one stallion, six cows with a calf, two bulls, 44 sheep, four goats, 32 hogs, and a very large quantity of poultry of various breeds. Most of these were placed on board the *Sirius*, and the remainder on board the storeships; but in addition to the public stock, the officers on board the transports speculated on their own account, and purchased live poultry and other stock for food on the voyage and for farming purposes when they reached the end of their journey. Cape fruits, seeds and plants were also received on board the fleet, and thus there were introduced to New South Wales with the convicts the quince, apple, pear, mulberry, bamboo, fig, oak, and myrtle trees, besides vines of various kinds, Spanish reeds, sugar cane, and strawberry plants. From the Commander of the Dutch troops and the King's botanist, the intending settlers received full instructions concerning the propagation and culture of these useful articles.

On November 13th the fleet weighed anchor and made sail direct for Botany Bay. Two hours after starting on the last lap of the voyage the fleet fell in with a large Dutch ship, with troops on board for the Cape, and the same evening a whaler, four months out from London, was spoken, and by her Captain Phillip forwarded dispatches to England. Shortly after clearing the Cape the fleet encountered severe gales, and the live stock suffered greatly from the heavy sea, seven of the sheep being killed.

With the intent of running ahead of the rest of the fleet and selecting and preparing a good position for the foundation of the new colony, Captain Phillip shifted his pennant from the *Sirius* to the *Supply*. On the 25th of November he

changed his quarters, being accompanied by Lieutenant King and Dawes, and several carpenters, blacksmiths, sawyers, and other mechanics also embarked on board the Supply, the object being to erect some storehouses at Botany Bay for the temporary convenience of the new settlers. At the time of separation the fleet had still 5,582 miles of ocean to cross before reaching Australia. On January 3rd, 1788, after a stormy run, the advance ship sighted Van Dieman's Land, and at 2 p.m. on the 18th the Supply anchored in Botany Bay, close to the spot where anchored Captain Cook's ship, the Endeavour, eighteen years before. Three other ships of the fleet sailed into the Bay at about the same hour next day, and the remainder followed the day after.

Thus ended the voyage of the first fleet, concerning which Captain Collins says, that before it was entered upon "the mind hardly dared venture to contemplate, and on which it was impossible to reflect without some apprehension as to its termination." That the whole of the fleet should cross so large an expanse of comparatively unknown water without accident is in itself a marvellous thing, the time occupied in the voyage being a little over eight months; but more marvellous still is the fact that so few of the voyagers died during the journey, and that the number on the sick list was so small, for we are told that many of the convicts were in bad health when they embarked, and long and close confinement, bad diet, scant clothing, and the absence of absolute necessities on a voyage of that kind, were not calculated to promote health either in the individual or the mass. Speaking of the remarkable success of the voyage, Captain Tench says:—"To what cause are we to attribute this un hoped-for success? I wish I could answer to the liberal manner in which the Government supplied the

expedition. But when the reader is told that some of the necessary articles allowed to ships on a common passage to the West Indies were withheld from us—that portable soup, wheat and pickled vegetables, were not allowed, and that an inadequate quantity of essence of salt was the only anti-scorbutic supplied, his surprise will redouble at the result of the voyage."

Proceedings were at once commenced for landing the stores and the people, and men were set to work to clear a piece of land on the south side of the bay, within a mile of the entrance, and near the spot where Captain Cook had first landed. But Captain Phillip did not like the place, which was very different from the beauteous spot described by Cook, and no time was lost in making an examination of the surrounding country in search of a more suitable site for settlement. The first place to which attention was directed was the harbour which Cook had described as existing a few miles northwards of Botany Bay, and which he had called Port Jackson, it is thought after the seaman who had first sighted it from the masthead of the good ship Endeavour. Four days after entering the Bay Captain Phillip proceeded to examine this harbour, and he was so taken with its appearance that he at once decided to remove the settlement. The official history which he published contains the following sentences bearing upon the discovery and the decision attendant thereupon:—"Here all regret arising from the former disappointments was at once obliterated; and Governor Phillip had the satisfaction to find one of the finest harbours in the world, in which a thousand sail of the line might ride in perfect security. The different coves of this harbour were examined with all possible expedition, and the preference was given to one which had the finest spring of

water, and in which ships can anchor so close to the shore that at a very small expense quays may be constructed where the largest vessels may unload. This cove is about half a mile in length and a quarter of a mile across at the entrance. In honour of Lord Sydney, the Governor distinguished it by the name of 'Sydney Cove.' . . . On the 24th of January Governor Phillip having sufficiently explored Port Jackson, and found it in all respects highly calculated to receive such a settlement as he was appointed to establish, returned to Botany Bay. On his arrival there, the reports made to him, both of the ground which the people were clearing, and of the upper parts of the Bay, which in this interval had been more particularly examined, were in the greatest degree unfavorable. It was impossible after this to hesitate concerning the choice of a situation, and orders were accordingly issued for the removal of the whole fleet to Port Jackson. That Botany Bay should have appeared to Captain Cook in a more advantageous light than to Governor Phillip, is not by any means extraordinary. . . The appearance of the place is picturesque and pleasing, and the ample harvest it afforded of botanical acquisitions made it interesting to the philosophical gentleman engaged in that expedition; but something more than beauty of appearance, and more necessary than philosophical riches, must be sought in a place where the permanent residence of multitudes is to be established."

The magnificent city of Sydney, with its coast surroundings, its splendid harbour, and its strong defences—forming as it does the heart of the populous colony's commercial, political, and social life—stands as a monument of the far-sightedness of the man who was chosen to lay the foundation of that Greater Britain which now flourishes in this Southern world. The early occupancy of Port Jackson

was one of the best actions of Governor Phillip and even at this distant day the colonists can profitably contemplate the advantages that have resulted from his choice of situations.

I cannot do better than give the account of events close following those already narrated, as found in one of the earlier editions of the history of Governor Phillip's voyage to Botany Bay, published in 1790 :—

“Preparations for a general removal were now made with all convenient expedition. . . . On the 25th January, therefore, seven days after the arrival of the Supply, Governor Phillip quitted Botany Bay in the same ship, and sailed to Port Jackson. The rest of the fleet, under convoy of the Sirius, was ordered to follow as soon as the abatement of the wind, which then blew a strong gale, should facilitate its working out of the Bay. . . . On the 26th January, 1788, the transports and storeships attended by the Sirius finally evacuated Botany Bay; and in a very short time they were all assembled in Sydney Cove, the place now destined for their port, and for the reception of the new settlement. . . .

“The debarkation was now made at Sydney Cove, and the work of clearing the ground for the encampment, as well as for the storehouses and other buildings, was begun without loss of time. But the labour which attended this necessary operation was greater than can easily be imagined by those who were not spectators of it. The coast, as well as the neighbouring country in general, is covered with wood; and though in this spot the trees stood more apart, and were less encumbered with underwood than in many other places, yet their magnitude was such as to render not only the felling, but the removal of them afterwards, a task of no small difficulty. By the habitual indolence of the convicts, and the

want of proper overseers to keep them to their duty, their labour was rendered less efficient than it might have been. In the evening of the 26th the colours were displayed on shore, and the Governor; with several of his principal officers and others, assembled round the flag-staff, drank the King's health, and success to the settlement, with all that display of form which on such occasions is esteemed propitious, because it enlivens the spirits, and fills the imagination with pleasing presages.

“ From this time to the end of the first week in February all was hurry and exertion. They who gave orders and they who received them were equally occupied; nor is it easy to conceive a busier scene than this part of the coast exhibited during the continuance of these first efforts towards establishment. The plan of the encampment was quickly formed, and places were marked out for every different purpose, so as to introduce as much as possible, strict order and regularity. The materials and framework to construct a slight temporary habitation for the Governor had been brought out from England ready formed; these were landed and put together with as much expedition as circumstances would allow. Hospital tents were also without delay erected, for which there was soon but too much occasion. In the passage from the Cape there had been but little sickness, nor had many died even among the convicts; but soon after landing, dysentery prevailed, which in several instances proved fatal, and the scurvy began to rage with a virulence which kept the hospital generally supplied with patients. For those afflicted with this disorder the advantage of fish or other fresh provisions could but rarely be procured, nor were esculent vegetables obtained in sufficient plenty to produce any material alleviation of the complaint. In the dysentery, the

red gum of the tree which principally abounds on this coast was found a very powerful remedy. The yellow gum has been discovered to possess the same property, but in an inferior degree.

“The month of February was ushered in by a very violent storm of thunder and rain. The lightning struck and shivered a tree, under which a shed had been erected for some sheep, and five of those animals were at the same time unfortunately destroyed by it. The encampment still went on with great alacrity, so that in the beginning of this month the work of building public storehouses was undertaken ; and unremitting diligence began, though very gradually, to triumph over the obstacles which the nature of the place presented.

“The 7th February, 1788, was the memorable day which established a regular form of Government on the coast of New South Wales. For obvious reasons, all possible solemnity was given to the proceedings necessary on this occasion. On a space previously cleared the whole colony was assembled ; the military drawn up, and under arms ; the convicts stationed apart ; and near the person of the Governor those who were to hold the principal offices under him. The Royal Commission was then read. . . . The Act of Parliament establishing the courts of judicature was next read ; and lastly, the patents under the great seal, empowering the proper persons to convene and hold those courts whenever the exigency should require. A triple discharge of musketry concluded this part of the ceremony ; after which Governor Phillip advanced, and addressing first the private soldiers thanked them for their steady good conduct on every occasion—an honour which was repeated to them in the next general orders. He then turned to the convicts

and distinctly explained to them the nature of their present situation. The greater part, he bade them recollect, had already forfeited their lives to the justice of their country ; yet, by the levity of its laws, they were now so placed that, by industry and good behaviour, they might regain the advantages and estimation in society of which they had deprived themselves. They not only had every encouragement to make that effort, but were removed almost entirely from every temptation to guilt. There was but little in this infant community which one man could plunder from another, and any dishonest attempts in so small a society would almost infallibly be discovered. To persons detected in such crimes he could not promise any mercy ; nor, indeed, to any who, under their circumstances, should presume to offend against the peace and good order of the settlement. What mercy could do for them they had already experienced ; nor could any good be now expected from those whom neither past warnings, nor the peculiarities of their present situation could preserve from guilt. Against offenders, therefore, the rigour of the law would certainly be put in force ; while they whose behaviour should in any degree promise reformation, might always depend upon encouragement fully proportioned to their deserts. He particularly noticed the illegal intercourse between the sexes as an offence which encouraged a general profligacy of manners, and was in several ways injurious to society. To prevent this he strongly recommended marriage, and promised every kind of countenance and assistance to those who, by entering into that state, should manifest their willingness to conform to the laws of morality and religion. Governor Phillip concluded his address by declaring his earnest desire to promote the happiness of all who were under his government, and to

render the settlement in New South Wales advantageous and honourable to his country."

As far as the convicts were concerned, the writer assures us that this first gubernatorial speech on Australian soil was not altogether without its proper effect, as within the course of a week from its deliverance no less than fourteen marriages took place among the convicts.

CHAPTER IV.—NAMES AND SENTENCES OF THE "FIRST FLEETERS."

A CORRECT LIST—THE "LIFERS"—FOURTEEN AND SEVEN YEARS' CONVICTS—A PROPHETIC SONG—STORY OF THE LAST SURVIVOR.

THE following is a correct list of the convicts who were sent out in the first fleet, shewing the periods for which they were transported:—

TRANSPORTED FOR LIFE.

George Barsby, Robert Bails, Thomas Barrett, William Blatherhorn, James Cox, William Davis, Joseph Donnage, Thomas Eccles, Thomas Gearing, John Harris, Joseph Hall, James Heading, John Hill, William Hilt, John Kellan *alias* Keeling, David Kilpack, George List, Thomas Limpus, Mary Long, Mary Marshall, Hannah Mullins, Richard Partridge, Sarah Parry, Charles Peet, John Pontie, Ann Read, Thomas Risdale *alias* Crowder, John Ruglass, John Ruffler, James Sheirs, Joseph Tusso, John Welch, Edward Whitton, Charles Wilson, Samuel Woodham, and John Woolcott.

TRANSPORTED FOR FOURTEEN YEARS.

Samuel Day, Frances Davis, William Hogg, Margaret Jones, John Jones, Thomas Jones, Jeremiah Leahy, Joseph Long, Ann Lynch, Joseph Marshall, Betty Mason, Lydia Munro, Joseph Owen, Isaac Rogers, Daniel Spencer, John Stoddell, James Underwood, Mary Wade *alias* Cacklane and Mary Wickham.

TRANSPORTED FOR SEVEN YEARS.

Robert Abel, Henry Abrams, Esther Abrahams, Mary Abell *alias* Tilley, Thomas Acres, John Adams, Mary Adams, Richard Agle, John Allen, William Allen, Charles Allen, Susannah Allen, Mary Allen, Jamasin Allen *alias* Boddington, Mary Allen, *alias* Conner, John Anderson, Eliza Anderson, John Anderson, Fanny Anderson, John Archer, John, Arscott, George Alkinson, Sarah Ault, John Ayners *alias* Agnew, John Ayres.

James Bartlett, Henry Barnett *alias* Barnard *alias* Burton Stephen Barnes, George Banister, John Berserd, George Barland, James Balding *alias* William, Elizabeth Bason, James Bayley, John Bazley, Thomas Baker, Caten Batley, Samuel Barsby, John Ball, John Barry, Daniel Barrett, Elizabeth Barber, Ruth Baldwin *alias* Bowyer, Martha, Baker, William Bell, Samuel, Benear, Jacob Bellet, Ann Beardsley, John Best, Elizabeth Beckford, Thomas Bellamy, James Bird, Samuel Bird, Joseph Bishop, John Bingham *alias* Banghan, Eliza Bingham *alias* Mooring, Eliza Bird *alias* Winifred, William Blackall, William Blunt, Francis Blake, James Bloodworth, Susannah Blanchett, Peter Bond, John Boyle, William Boggis, William Bond, Mary Bond, Rebecca Boulton, Jane Bonner, Mary Bolton, James Brown, William Brown, John Brindley, Richard Brown, William Brough, James Bradley, James Bradley, Thomas Brown, William

Bradbury, Thomas Bryant, William Bryant, Thomas Brown, John Bradford, James Brannegan, Robert Bruce, William Brown John Bryant, William Brewer, William Brice, Curtis Brand, Michael Bryant, Lucy Brand *alias* Wood, Mary Branham, Elizabeth Bruce, James Burleigh, Peter Burn, Patrick Burn, Simon Burn, John Busley, Margaret Burn, Mary Burkitt, Sarah Burdo.

Joseph Carver, James Castle, James Campbell *alias* George, James Campbell, John Carney, Francis Carty, Ann Carey, Richard Carter *alias* Michael Cartwright, Henry Cable, Mary Corroll, John Cesar, William Cheilds, Thomas Chaddick, William Church, William Chaaf, Samuel Chinery, Edward Chanin, Richard Clough, Thomas Clements, John Clark *alias* Hosier, William Clark, John Clark, Mary Cleaver, George Clear, Elizabeth Clark, William Connelly, Edward McCormick, James Corden, Joseph Colling, William Cole, John Matthew Cox, Richard Collier, William Connolly, Cornelius Conelly, Ishmael Colman, John Coffin, Elizabeth Cole, James Copp, Ann Coombes, Elizabeth Cole, Elizabeth Colley, Charlotte Cooke, Mary Cooper, Ann Colpitts, John Cross, John Cropper, William Cross, John Creamer, Jane Creek, Edward Cunningham, James Bryen Cullen, John Cullyhorn, Jacob Cudlip *alias* Norris, John Cuss *alias* Hanaboy William Cuckow.

Aaron Davis, Richard Day, Edward Davies, Samuel Davis, William Davis, James Davis, Daniel Daniells, James Daley, John Davidson, Richard Davis, Ann Daley, *alias* Ann Warbuton, Margaret Darnell, Ann Davis, Elizabeth Dalton, Rebecca Davidson, Margaret Davidson, Sarah Davies, Mary Davies, Michael Dennison, Barnaby Dennison, Patrick Delany, Thomas Dickson *alias* Ralph Kaw, Timothy Discall, Mary Dixon, Mary Dickinson, William Douglas,

Ferdinand Dowland, James Dodding *alias* Doring, William Dring, Elizabeth Dudgens, Jane Dundas, Ann Dutton, Leonard Deyer, Mary Dykes.

William Earl, William Eagleton *alias* Bones, Mary Eaton *alias* Shephard, Rachel Early, Martha Eaton, William Edmunds, William Edwards, George Eggleston, Peter Ellam, William Elliot, Joseph Elliot, Deborah Ellam, Nicholas English, John Everett, Mathew Everingham, William Evans, Elizabeth Evans.

Phillip Farrel, William Farley, Ann Farmer, Benjamin Fentum, John Ferguson, Thomas Fillesey, Jane Fitzgerald *alias* Phillips, William Field, John Finlow *alias* Hervey, Jane Field, Elizabeth Fitzgerald, Edward Flynn, Phebe Flarty, Frances Fowkes, Robert Forrester, William Foyle, Ann Fowles, Margaret Fownes, Ann Forbes, James Freeman, Robert Freeman, William Francis, George Francisco, George Fry, Catherine Frier *alias* Prior, William Fraser, Ellen Fraser, John Fuller.

Francis Gardner, Edward Garth, Francis Garland, Susannah Garth, Mary Gable, Olive Gascoygne, George Gess, Annie George, Thomas Glenton, Daniel Gordon, Edward Goodwin, Andrew Goodwin, John Gould, Charles Gray, Samuel Griffiths *alias* Briscow *alias* Butcher, Nicholas Greenwell, John Green, Thomas Griffiths, Charles Granger, James Grace, Hannah Green, Mary Gloves, Mary Green, Ann Green, Mary Greenwood, William Gunter.

John Handford, John Hatcher, William Halfield, Richard Hawkes, William Harris, John Hatch, John Hartley, John Hart, Joseph Haines, Henry Hathaway, Dennis Hayes, Samuel Hall, Joseph Harbine, Joshua Harper, George Hayton *alias* Clayton, Joseph Harrison, John Hart, John Hayes, Joseph Hattom, Joseph Harrison, William Hamlin,

John Hall, John Hadon, William Hares, Cooper Handy, William Haynes, Elizabeth Hervey, Margaret Hall, Francis Hart, Mary Harrison, Thomas Headington, John Herbert, Catherine Hart, John Herbert, Dorothy Hanland *alias* Gray, Sarah Hall, Maria Hamilton, Mary Harrison, Esther Harwood *alias* Howard, Elizabeth Hayward, Elizabeth Hall, Jane Herbert *alias* Rose *alias* Jenny Russell, Catherine Henry, William Hindley *alias* Platt, Ottiwell Hindle, John Hill, Thomas Hill (2), Elizabeth Hipsley, Mary Hill, Job Hollister, Thomas Hawell, William Holmes, James Holloway, Thomas Howard, John Howard, James Hortop, William Holland, Susannah Holmes, Elizabeth Hollowgin, Hugh Hughes, Edward Humphrey, William Husband, John Hughes, Jeremiah Hurley, William Hubbard, Henry Humphries, Thomas Hughes, James Hussey, John Hudson, Frances Ann Hughes, Susannah Huffwell, Mary Humphreys, Thomas Hylids.

James Ingam, John Irvine Ann Inett.

William Jackson, David Jacobs, John Jacobs, Hannah Jackson, James Jameson, Jane Jackson *alias* Esther Roberts, Mary Jackson, Robert Jefferies, John Jefferies, Robert Jenkins *alias* Brown, John Jepp, William Jenkins, Francis Joseph, Thomas Jones, Charles Johnson, Edward Jones, Thomas Joseph, William Johnson, Stephen Johns, Edward Johnson, Richard Jones, William Jones, Catherine Johnson, Mary Johnson.

Thomas Kelly, Martha Kennedy, Thomas Kidney, William Kilby, John King, Edward Kimberly, John Knowler, Andrew Knowland.

David Lankey, Richard Lane, John Lawrell, William Lane, James Larne, John Lambeth, Henry Lavell, Flora, Lara, Caroline Laycock, John Leary, Stephen Legrove,

George Legg, Elizabeth Lee, Isaac Lemon, Elizabeth Leonard, Joseph Levy, Amelia Levy, Sophia Lewis, Samuel Lightfoot, John Limeburner, Elizabeth Lock, John Lockley, Joseph Longstreet, Mary Love, Nathaniel Lucas, Humphrey Lynch, John Lyde, John Law.

James Mackrie, John Macintire, John Mansfield, Stephen Martin, John Martin, Abraham Martin, Thomas Martin, Ann Martin, James Martyn, Will Marney, William Mariner, John Marrott, Jane Marriott, Mary Marshall, Joseph Marshall, Susannah Mason, Ann Mather, Thomas Maton, Richard May, Sarah McCormick, Mary McCormick, Eleanor McCabe, Richard McDeed, Alexander McDonald, James McDonnaugh, Redman McGrath, Francis McLean, Thomas McLean, Edward McLean, Charles McLaughlin, William McNamar, Jane Meech, William Meech, Jacob Messiah, John Meynell, Samuel Midgley, Richard Middleton, Charles Milton, Matthew Mills, Mary Mitchcraft, Nathaniel Mitchell, Mary Mitchell, Samuel Mobbs, John Mollands, Charles Mood, John Mooden, William Moore, William Morgan, Robert Morgan, Richard Morgan, John Morley, Joseph Morley, John Morrisby, John Morris, Mary Morton, John Mortimore, John Mowbray, Edward Moyle, Jesse Mullock, Stephen Mullis, John Munroe, James Murphy, William Murphy.

John Neal, James Neal, Elizabeth Needham, Robert Nettleton, John Newland, John Nicholls, Phoebe Norton, Robert Nunn.

John O'Craft, James Ogden, William Okey, Thomas Oldfield, Isabella Oldfield, Peter Opley, Thomas Orford, Elizabeth Osborne, Thomas Osborne, John Owen, John Owles.

Paul Page, Joseph Paget, John Henry Palmer, William Pane, Elizabeth Parker, Mary Parker, John Parker, William Parr, Edward Parry, William Parish, Peter Parris, Jane Parkinson, Ann Parsley, Sarah Partridge, John Pearce, James Peaulet, Joshua Peck, John Penny, Edward Perkins, Richard Percival, Edward Bearcroft Perrott, John Petrie, John Pettit, John Petherick, William Phillimore, Mary Phillips, Richard Phillips, Roger Phyfield, Mary Phyn, Samuel Pigott, Mary Piles, Mary Pinder, Elizabeth Pipkin, William Platt, Jane Poole, David Pope, John Power, William Power, Ann Powell, Elizabeth Powley, John Price, James Price, Thomas Price, Thomas Pritchard.

John Ramsey, William Radford, John Randall, William Read, Bartholomew Reardon, Charles Repeat, George Reymond, John Rice, James Richard, James Richard, David Richard, Hardwicke Richardson, John Richardson, James Richardson, Samuel Richardson, William Richardson, John Richards, William Rickson, Edward Risby, Henry Roach, John Robert, William Roberts, William Roberts, William Robinson, George Robinson, George Robinson, Thomas Robinson, John Robins, Daniel Rogers, Mary Rolt, John Romain, Anthony Rope, Isabella Rosson, Walton Rous, John Rowe, William Rowe, James Ruse or Ruce, John Russel, Robert Ruth, Jenny Rose or Russel, John Ryan.

William Saltmarsh, Peter Sampson, William Sands, Thomas Sanderson, Ann Sandlin, Robert Scattergood, Elizabeth Scott, Samuel Selfhire, John Seymour, George Sharp, Joseph Shaw, William Shearman, Robert Sheperd, William Shore, John Shore, Robert Sideway, John Silverthorn, Sarah Slater, John Small, Richard Smart, Daniel Smart, Ann Smith, Ann Smith, Ann Smith, Catherine Smith, Catherine Smith, Edward Smith, Edward Smith, Hannah

Smith, James Smith, John Smith, John Smith, Mary Smith, Thomas Smith, Thomas Smith, William Smith, William Smith, William Smith, William Smith, William Snaleham, Henry Sparks, John Spencer, Mary Spence, Charlotte Sprigmore, Mary Springham, James Squires, William Stanley, Thomas Stanton, John Morris Stephens, Robert Stephens, Margaret Stewart, John Stooke, Martin Stone, Charles Stone, Henry Stone, James Stow, Thomas Strech, James Strong, John Summers.

Joshua Taylor, Henry Taylor, Sarah, Taylor, Cornelieus Teague, Thomas Hilton Tenant, James Tenchall, Elizabeth Thackery, John Thomas, John Thomas, James Thomas, Elizabeth Thomas, William Thompson, William Thomson, James Thompson Ann Thornton, James Thoudy, Thomas Till, Thomas Tilley, Nicholas Todd, John Trace, Susannah Trippett, Joseph Trotter, Moses Tucker, Thomas Tummins, John Turner, John Turner, Ralph Turner, Mary Turner, Thomas Turner, Ann Twyfield, William Twyneham, William Tyrrell.

John Usher.

Edward Vandell, William Vickery, Henry Vincent.

Richard Waddicomb, Mary Wade, Benjamin Wager, Ellen Wainwright, James Walbourne, John Walker, William Wall, William Walsh, John Ward, Ann Ward, Charlotte Ware, William Waterhouse, Mary Watkins, John Watson, Thomas Watson, John Welch, John Welch, John Welch, Benjamin West, John Westwood, Edward Westlale, Samuel Wheeler, George Whitaker, William Whiting, John Wifehammer, Samuel Wilcocks, John Wilding Charles Williams, John Williams, John Williams, James Williams, Peter Williams, Robert Williams, Daniel Williams, Francis Williams, Mary Williams, Peter Wilson, William Wilton,

George Wood, Mark Wood, Peter Woodcock, Francis Woodcock, William Worsdell, Ann Wright, Benjamin Wright, James Wright, Joseph Wright, Thomas Wright, William Wright, Lucy Wood.

Thomas Yardsley, Nancy Yates, John Young, Simon Young, Elizabeth Youngson, George Youngson.

This list is given, not for the purpose of gratifying any morbid curiosity, but simply to preserve the names of those who were the real pioneers of the colony. To many of these men, with others who were not marked with the felon's brand, belonged the credit of making the initial movements in that work of colonization which has spread so widely and with such marvellous rapidity through this vast continent. They toiled and suffered to an extent which the mind fails to compass, and from their toil and suffering there sprang the first shoots of that industrial and commercial life which to-day is throbbing with a vigour not exceeded by any nation upon the face of the earth. It was under prophetic inspiration that Darwin, the author of "The Botanic Garden," penned the following lines, some ten years after Governor Phillip first landed on Australian soil :—

Where Sydney cove her lucid bosom swells,
Courts her young navies, and the storm repels ;
High on a rock amid the troubled air
HOPE stood sublime, and wav'd her golden hair ;
Calm'd with her rosy smile the tossing deep,
And with sweet accents charmed the winds to sleep ;
To each wild plain she stretched her snowy hand,
High-waving wood and sea encircled strand.
"Hear me," she cried, "ye rising Realms ! record
Times opening scenes, and Truth's unerring word.—
There shall broad streets, their stately walls extend,
The circus widen, and the crescent bend ;
There, ray'd from cities o'er the cultured land,
Shall bright canals, and solid roads expand.—

There the proud arch, Colossus-like, bestride
Yon glittering streams, and bound the chasing tide ;
Embellished villas crown the landscape-scene,
Farms wave with gold, and orchards blush between.—
There shall tall spires, and dome-cap towers ascend,
And piers and quays their massy structures blend ;
While with each breeze approaching vessels glide,
And northern treasures dance on every tide !”
Then ceas'd the Nymph—tumultuous echoes roar,
And JOYS loud voice was heard from shore to shore—
Her graceful steps descending press'd the plain,
And PEACE, and ART, and LABOUR, joined her train !

From this distance of time every city, town and stocked or cultivated country-side sends back the echo ; and from the light of the past we now may see more clearly what may be the future of this Sunny Land.

This part of the subject—and perhaps the brightest, for it is with the darkest side of the colony's life that we are now dealing—cannot be brought to a more fitting conclusion than by the repetition of the story told by Bennett of the last survivor of the “ First Fleet :—

“ Of more than a thousand persons who arrived by the ‘ First Fleet,’ and who were present at the formal inauguration of the Government, on the 7th February, 1788, the writer has reason to believe that at present (May, 1865) not more than one survives, if, indeed, the person to whom he refers is still living. Nearly two years ago, that is, in May, 1863, a very old man named Michael Norton, was produced as a witness in the Supreme Court, Sydney, in an ejectment case (Campbell v. Binks). Having then deposed to a circumstance which took place a great many years ago, Sir Alfred Stephen, who was on the Bench, inquired how old he was. In reply, the old man said he believed his age was one hundred and three years. Some other questions were

then put by his Honor to which old Norton gave very satisfactory answers. The writer, on the following day, had a long conversation with the old man, and found him remarkably intelligent and communicative. He was, he said, born on board a government store-ship called the *Tiger*, while that vessel was lying in the harbour of St. Helena. His father was a soldier in a cavalry regiment then on its way to India. He remained with his parents in India for several years, and ultimately returned with them to England. Some time afterwards, with his mother's consent, his father being in another part of England with his regiment, he was drafted to join a company of marines, who were to go out as guard with Captain Arthur Phillip to Botany Bay. He was never formally enrolled, being but a boy at the time, and on the voyage out never stood sentry, for although regularly drilled with the marines, he was generally employed as cook's assistant. On his arrival here he went to live as servant with Major Johnston, and continued with him until 1791, when he went with some sawyers to the River Hawkesbury. There he remained for more than seventy years, being generally employed as a sawyer, and never until January, 1863 left the district of Colo, where he had taken up his residence. He then determined to visit Sydney, principally for the purpose of gratifying his curiosity by the sight of a railway train and steam vessels. He had often read and heard of these wonderful inventions, but having never seen them, it occurred to him that if he wished to do so, he had not much time to lose. He had never in his life, he said, been in a court of law, even as a witness, before he was called upon on the previous day to give evidence in the above-mentioned case, and had never before taken an oath. He had never been married, nor had he any relatives in the colony. He

had, when he left England, two brothers, and both soldiers, the last time he heard from them was just after the capture of Candy, in Ceylon, at which they were present. Never having left the secluded district of the Colo, for more than seventy years, he was, he said, known to very few persons. His occupation as a sawyer, usually carried on in remote parts of the bush, seldom brought him into contact with strangers; and accounted for the fact of a person of his great age, and who had come to the colony by the first fleet, not being more generally known. He stated, in corroboration of the fact of his longevity, that the oldest residents on the Hawkesbury, men who could remember him for sixty years or more, always called him 'Old Mick,' even when they were children, so that he must have been an elderly man more than half a century ago. He was still strong and hearty, and sometimes engaged in farming work, but was generally employed at his own trade as a sawyer. He was extremely active, with sight and hearing almost unimpaired, and had the appearance of a man about seventy years of age. He was very sharp and intelligent in conversation, often making use of words and phrases, which he could only have acquired by reading, and expressed himself readily, and for one of his station, very correctly. Occasionally there was evident a momentary loss of recollection or lapse of consciousness of the subject on which he was speaking; and he was often unable to follow out the most simple train of reasoning, but his lapse of recollection was only for an instant and then his eye flashed and kindled as if he felt gratified at the quick return of his faculties. Contrary to what is said to be usually the case with very old people, his memory appeared exceedingly good and retentive for details of matters of very recent occurrence, and not for things which happened

many years ago. Of the most important occurrences of his early life he recollected but a few leading events. On this account it was difficult to ascertain how far his impressions as to certain facts, or what he evidently believed to be facts, were reliable, and his belief as to his great age seemed founded on no very distinct data—at least, when cross-questioned, he appeared unable to reconcile discrepancies, or even to see that they were discrepancies. For instance, he said he thought he was 103 years old, but when it was pointed out to him that if he was a boy or a youth when he arrived in 1788, he could then be little more than 90, he was unable to see the inconsistency of his statements. His faculty for numbers appeared to be almost wholly obliterated. There is no doubt that he was a very old man, and considering his strength and activity, and the wonderful preservation of his physical faculties, the singularity of the case is not much lessened, even on the supposition that he was but 93 instead of 103 years old. From an consideration of all the above circumstances, and of many other matters which incidentally arose in the course of a lengthy conversation, it is probable that the real age of Michael Norton was somewhere between 90 and 95 years. That he firmly believed his age to be 103 years, there is no doubt, but his belief did not appear to rest on any sufficient data; on the contrary, the facts which he mentioned in support of it all pointed to 93 instead of 103 as his real age."



CHAPTER V.—LABOURS AND SUFFERINGS OF THE EARLY CONVICTS.

FIRST BUILDING OPERATIONS—CAPTAIN TENCH'S NARRATIVE—LICENTIOUSNESS RAMPANT — STRAGGLERS AND THEIR TREATMENT—FIRST SERMON ON SHORE—CONSTITUTION OF THE FIRST LAW COURT—FIRST CRIMINAL TRIAL—FIRST PUBLIC EXECUTION—SHORT ALLOWANCE—FIRST MORTALITY TABLE—REPORTED GOLD DISCOVERY—TAKING TO THE WOODS—A SEASON OF DARKNESS—SOLDIER CONSPIRATORS AND THEIR TREATMENT—THE KING'S BIRTHDAY—OPENING FRESH SOIL—THE RATION SCALE—THE NEW SOUTH WALES CORPS—RELIEF IN DIFFICULTY—FIRST CONVICT SETTLERS—PERSONAL REMINISCENCES OF THE "FIRST FLEETERS."

WE have seen how the convicts were transported across the seas, how they were landed on Australian soil, and what advice was given to them by the man whose every word they were supposed to obey, and who literally held their lives in his hands. Little was it then imagined that this band of transported felons and their gaolers would lay the foundations of a State, which before a century had passed would hold a prominent place amongst the civilized nations of the world; but we who live to-day see what marvellous results have followed the occupancy of the land by the uncomely company of Britons whose characters and work the writer has undertaken to describe.

After the formal establishment of the Government, as already narrated, active steps were taken in the direction of erecting store-houses, and other buildings required for habitation and for preserving the provisions, seed, animals, &c., that had been brought in the store-ships. The heavy rain which fell during the first two or three weeks prevented

much work from being done ; and as there were only a few skilled mechanics among the convicts, when the weather did clear the progress made was but slow. The officers and soldiers had to rest content with temporary dwellings, built of cabbage-tree, which grew in abundance in several parts of the harbour ; while the convicts had to put up with even less pretentious buildings, made of a few branches and twigs plastered up with clay. The military huts were placed on the west side of what was afterwards called the Tank Stream. The Governor's house was erected a few yards from the spot where Pitt and Hunter streets now intersect each other. The store-house was erected on what is now called the Queen's Wharf, and although a site for a large town was laid out, with streets 200 feet wide, the design was spoiled by the encroachments found necessary by the pressing need of huts for the residence of the colonists, and as these in time were replaced by more substantial buildings, the original plan could not be carried out. This temporary provision for shelter having been made, the main body of the convicts were employed in clearing the trees and scrub near the settlement, and in making attempts to cultivate the ground so cleared ; but as the soil was found unsuitable for agriculture most of the men were set to work clearing land for cultivation about fifteen miles distant, the new farm being called at first the Crescent, and afterwards Rose Hill, later still reverting to the native name Parramatta, which name is still retained. For a long time the labour of the convicts was concentrated at the Camp, as the settlement at Sydney Cove was called, and at the farm at Parramatta, the work of cultivation being relieved by fishing and shooting, parties of men being specially told off for the latter work.

Captain Tench gives a very good description of the first movements of the new arrivals after their landing, and the narrative is well-worth perusal. Here is the story as told by him :—

“ The landing of a part of the marines and convicts took place the next day, and on the following, the remainder was disembarked. Business now sat on every brow ; and the scene to an indifferent spectator, at leisure to contemplate it, would have been highly picturesque and amusing. In one place a party cutting down the woods ; a second, setting up a blacksmith’s forge ; a third, dragging along a load of stones or provisions ; here an officer pitching his marquee, with a detachment of troops parading on one side of him, and a cook’s fire blazing up on the other. Through the unwearied diligence of those at the head of the different departments, regularity was, however, soon introduced, and, as far as the unsettled state of matters would allow, confusion gave place to system.

“ Into the head of the cove on which our establishment is fixed, runs a small stream of fresh water, which serves to divide the adjacent country to a little distance, in the direction of north and south. On the eastern side of this rivulet the governor fixed his place of residence, with a large body of convicts encamped near him ; and on the western side was disposed the remaining part of these people, near the marine encampment. From this last two guards, consisting of two subalterns, as many sergeants, four corporals, two drummers, and forty-two private men, under the orders of a captain of the day, to whom all reports were made, daily mounted for the public security, with such directions to use force in case of necessity, as left no room for those who were the object of the order, but to remain peaceable, or perish by the bayonet.

“As the straggling of the convicts was not only a desertion from the public labour, but might be attended with ill consequences to the settlement, in case of their meeting the natives, every care was taken to prevent it. The provost martial, with his men, was ordered to patrol the country around, and the convicts informed, that the severest punishment would be inflicted on transgressors. In spite, however, of all our precautions, they soon found the road to Botany Bay, in visits to the French, who would gladly have dispensed with their company.

“While the convicts were on board ship, the two sexes had been kept most rigorously apart ; but when landed, their separation became impracticable, and would have been, perhaps, wrong. Licentiousness was the unavoidable consequence, and their old habits of depravity were beginning to recur. What was to be attempted? To prevent their intercourse was impossible ; and to palliate its evils only remained. Marriage was recommended, and such advantages held out to those who aimed at reformation, as have greatly contributed to the tranquility of the settlement.

“On the Sunday after our landing, divine service was performed under a great tree, by the Rev. Mr. Johnston, chaplain of the settlement, in the presence of the troops and convicts, whose behaviour on the occasion was equally regular and attentive. In the course of our passage this had been repeated every Sunday, while the ships were in port ; and in addition to it, Mr. Johnson had furnished them with books, at once tending to promote instruction and piety.

“February, 1788.

“Owing to the multiplicity of pressing business necessary to be performed immediately after landing, it was found impossible to read the public commissions, and take

possession of the colony in form, until 7th of February. On that day all the officers of guard took post in the marine battalion, which was drawn up, and marched off the parade with music playing, and colours flying, to an adjoining ground, which had been cleared for the occasion, whereon the convicts were assembled to hear his Majesty's commission read, appointing his Excellency Arthur Phillip, Esq., Governor and Captain General in and over the territory of New South Wales, and its dependencies; together with the act of parliament for the establishing trials by law within the same; and the patents under the Great Seal of Great Britain, for holding the civil and criminal courts of judicature, by which all cases of life and death, as well as matters of property, were to be decided. When the judge advocate had finished reading, his Excellency addressed himself to the convicts in a pointed and judicious speech, informing them of his future intentions, which were, invariably to cherish and render happy those who showed a disposition to amendment; and to let the rigour of the law take its course against such as might dare to transgress the bounds prescribed. At the close, three volleys were fired in honour of the occasion, and the battalion marched back to their parade.

"In the governor's commission, the extent of this authority is defined to reach from the latitude of 43 deg. 49 min. south, to the latitude of 10 deg. 37 min. south, being the northern and southern extremities of the continent of New Holland. It commences again at 135th degree of longitude east of Greenwich, and proceeding in an easterly direction, includes all islands within the limits of the above specified latitudes in the Pacific Ocean.

“As the constitution of this court is altogether new in the British annals, I hope my readers will not think me prolix in the description I am about to give of it. The number of members, including the judge advocate, is limited, by act of parliament, to seven, who are expressly ordered to be officers, either of his Majesty's sea or land forces. The court being met, completely arrayed and armed as at a military tribunal, the judge advocate proceeds to administer the usual oath taken by jurymen in England to each member ; one of whom afterwards swears him in a like manner. The ceremony being adjusted, the crime laid to the prisoner's charge is read to him, and the question of Guilty, or Not Guilty, put. No law officer on the side of the crown being appointed (for I presume the head of the court ought hardly to consider himself in that light, notwithstanding the title he bears) to prosecute, the criminal is left entirely to the party at whose suit he is tried. All the witnesses are examined on oath, and the decision is directed to be given according to the laws of England, ‘or as nearly as may be, allowing for the circumstances and situation of the settlement,’ by a majority of votes, beginning with the youngest member and ending with the president of the court. In cases, however, of a capital nature, no verdict can be given, unless five, at least, of the seven members present concur therein. The evidence on both sides being finished, and the prisoner's defence heard, the court is cleared, and on the judgment being settled, is thrown open again, and sentence pronounced. During the time the court sits, the place in which it is assembled is directed to be surrounded by a guard under arms, and admission to every one who may chose to enter it, granted.

"Hitherto, however, (February) nothing of a very atrocious nature had appeared. But the day was at hand, on which violation of public security could no longer be restrained, by the infliction of temporary punishment. A set of desperate and hardened villains, leagued themselves for the purposes of depredation, and, as it generally happens, had art enough to persuade some others less deeply versed in iniquity, to be the instruments of carrying it on. Fortunately the progress of these miscreants was not of long duration. They were detected in stealing a large quantity of provisions at the time of issuing them ; and, on being apprehended, one of the tools of the superiors impeached the rest, and disclosed the scheme. The trial came on the 28th of the month, and of four who were arraigned for the offence, three were condemned to die, and the fourth to receive a very severe corporal punishment. In hopes that his lenity would not be abused, his Excellency was, however, pleased to order one only for execution, which took place a little before sun-set, the same day. The name of the unhappy wretch was Thomas Barrett, an old and desperate offender, who died with that hardy spirit, which too often is found in the worst and most abandoned class of men. During the execution the battalion of marines was under arms, and the whole of the convicts obliged to be present. The two associates of the sufferer were ordered to be kept close prisoners, until an eligible place to banish them to could be fixed on ; as were also two more, who on the following day were condemned to die for a similar offence."

The hardships resulting from the failure of provisions shortly after the landing have already been dwelt upon in the "Story of the Ten Governors," and need not be repeated here. The knowledge that the provisions were running short

and that there was but a poor prospect of obtaining a further supply immediately, appears to have exercised a very demoralizing effect upon the minds of the convicts, and their disaffection speedily made itself manifest by acts of insubordination and breaches of order. Some of them broke into and plundered the temporary store—a work of not much difficulty—and betrayed a restlessness and recklessness that called forth prompt and effective repressive measures. The first batch of plunderers caught were dealt with off hand. A court was assembled; the men, six in number, were tried, and convicted, and sentenced to death, and their ringleader, a youth named Barrett, only seventeen years of age, who, however, is described by Tench as “an old and desperate offender,” was executed on the spot. The others were reprieved and sent to the little island in the middle of the harbour afterwards called Pinchgut, but now Fort Denison, and there kept on small allowance of bread and water. Here they were kept for a little over three months, when they were liberated in honour of the King’s birthday.

“He who suffered,” says Stockdale, “and two others, had been detected in stealing from the stores on the very day that they had received a week’s provisions; at a time when their allowance, as settled by the Navy Board, was the same as that of the soldiers, spirituous liquors excepted. So inveterate were their habits of dishonesty, that even the apparent want of a motive could not repress them.” Allowance must be made for this laboured wording, for the sentences were written in 1798. In later years a story was current that the five men died from starvation on the island, but it had no foundation in fact, and in all probability was circulated by one of the Governor’s enemies, from a desire to make it appear that he was strict even to cruelty so gross.

The hanging of the youth does, certainly, carry the appearance of undue severity ; but, judging from his conduct throughout the periods of distress that prevailed, when he placed his own household upon the same short allowance as the convicts, Governor Phillips was not a hard-hearted man, and he must have considered that the necessities of the case demanded the sternest repressive measures. It is probable, however, that the sentence in this boy's case would not have been carried out, had he not persisted in the notion that the Governor could not have him hanged without first obtaining the sanction of the King—a notion which appeared to prevail generally among the convicts. From this time out, however, they did not question the Governor's power or contend that he did not exercise it legally. On this subject one writer says:—"This prompt but necessary severity on the part of the Governor, a man, under ordinary circumstances, of the most humane and gentle disposition, produced a powerful effect for a time on the conduct of the other prisoners, and probably saved the whole settlement from starvation. The means of securing the provisions and stores were very inadequate at first, and the temptation for those who were disposed to help themselves so great, that nothing less than death could deter them from plundering the public property." Bad as this case appears to be, the light of its horror is not nearly so lurid as that which attended hundreds of cases later on, where official severity developed into fiendish cruelty. But this was not in Phillip's time.

Five months after the formation of the settlement a return was made out of the number of persons who had died since their embarkation in England, and it was found that there had been eighty-nine deaths—eight of free persons and eighty-one of convicts. Out of this number several had died

on board ship, while in harbour, before the fleet left England. When this return was made the health of the people at the settlement was good. The season of the distress through short rations had not yet set in, but although the prisoners were on the same footing as the soldiers and sailors as regards provisions, the general health of the former was not so good as that of the free persons. Many of them sunk into a state of apathy and only longed for the time to come when they could make their way back to England. So great was this "home sickness," especially among those whose terms of service were near completion, that we are told they almost starved themselves and hoarded their rations hoping to raise sufficient money by the sale of the hoarded food to pay their passage back to the "old country." One convict, a youth, was found dead in his hut, and a *post mortem* examination proved that he had died from sheer want of nourishment. His companions stated that he had scarcely tasted food for a week, but upon his box being searched a large quantity of provisions, which he had stored for sale, was found therein.

Owing to the difficulty of procuring trustworthy overseers, the convicts at first were not as a body kept regularly at work; and idleness created vice, the greatest trouble being caused through the frequent thefts of food. Nevertheless, we are told, the conduct of the prisoners was on the whole fairly good.

Excellent clay had been found at a spot about a mile from the settlement, and a large gang of men were there set to the work of making bricks, while other gangs were employed in collecting shells for making lime. The place where the clay was found is still called Brickfield Hill, and is in the very heart of Sydney. With the bricks here made the erection of the first substantial buildings was commenced.

a hospital, a barrack, an observatory, and houses for the Governor and the Lieutenant-Governor being started by the beginning of August.

In the same month a sensational incident occurred, which was calculated to create not a little trouble. Many of the convicts had got hold of the idea that gold existed in the new land to which they had come, and for some time after their arrival they employed themselves in searching. At last one of their number, named Daley, declared that he had found some of the precious metal, and produced a "specimen" in proof of the correctness of his assertion. He refused to tell where he had found it, however, unless the Governor would guarantee to him a certain sum of money, and set him free, together with a convict woman to whom he was attached. The Governor was then absent from the settlement, and Major Ross, the Lieutenant-Governor, not only refused to comply with Daley's demand, but commanded him to shew in what part of the country he had found the gold, on pain of severe punishment. Of course, a convict could have no right to anything, and Daley found that he had got himself into trouble, for he could not point out the spot. Under threats of the lash, however, he at length said he would point out the place where the precious metal could be discovered, and an officer and several soldiers were sent with him. But Daley gave them the slip after leading them some distance into the bush, and returned to camp, saying that he had left the officer in full charge of the gold mine, and again disappeared. He was captured soon afterwards, and as he still persisted that his story was true, he was severely flogged. When the Governor returned, Daley was sent with another officer to the place where he alleged he found the gold, and the officer,

determined that Daley should not fool him as he had fooled his colleague, made him walk in front, and threatened him with instant death if he should attempt to run away or deceive him. Daley then confessed that the whole affair was a lie; that he had filed down part of a yellow metal buckle, mixed it with some particles of gold filed off a guinea, and blended the whole with clay, which he had then made very hard. Upon this he was again flogged with greater severity than before. Shortly after this he was convicted of some petty offence and was hanged. But many persons believed that Daley did really find gold, and that rather than reveal the spot without reward he said that he had manufactured it, and took the floggings for practising deception. Whether he did find gold or not, it is confidently asserted that in the very early times small quantities of the precious metal were sold in Sydney by convicts and others, and as it is certain that many of the convicts crossed the Blue Mountains long before any practicable route over them was discovered by the settlers, the story is not altogether improbable.

It was about this time that the necessity of shortening the ration allowed to the convicts and soldiers arose, for it was seen that the stores would otherwise give out before fresh supplies could reach the settlement. The decrease in the ration of provisions created a corresponding increase of crime, and having committed themselves, many of the prisoners took to the woods to avoid punishment. One of the absconders who was taken was hanged as a warning to other evil-doers, and the punishment meted out to both soldiers and convicts was of the severest kind. As a proof of the extraordinary severity with which offenders were treated, it may be mentioned that two men, one a soldier and the other a prisoner, were sentenced to receive *seven hundred*

lashes each. The prisoner was not strong enough to bear the full sentence, and in order that he might not die under the lash, the flogger was ordered to desist when half the number of strokes only had been given; but the soldier suffered the full penalty. His offence consisted in having been found absent from his post.

The latter part of the year and the first four months of 1789 is stated to have been one of the darkest periods in the history of the settlement. It was a season of dire forebodings, darkest gloom, intensest sufferings and frequent deaths. As far as the convicts were concerned, as natural food failed they were more liberally fed with the lash, and the result was that they recklessly plunged into acts of disobedience and crime, or sank into despair. The only edibles yet grown on the island were a few vegetables; the few cattle brought out in the ships had mysteriously disappeared, and many of the sheep and goats had fallen victims to the rapacity of the native dogs; the supply of provisions in the stores was rapidly being exhausted, and there was no telling when the ships sent for additional supplies would return from their long voyage. Under such circumstances, what wonder is it that the poor suffering wretches who had been brought to a country so barren and inhospitable should break bounds in the hope of bettering their condition in the bush; heedless of the dangers that lurked therein—the probability of being lost and starved, or the greater probability of being killed by the natives, who were already realizing that the white invaders were depriving them of the food upon which they had chiefly relied for sustenance—the sea and shell-fish of the harbour. Reckless of consequences, and against the positive orders of the Governor, many of the convicts went from the settlement into the bush in search of herbs and roots, and as several of

them did not return, for the simple reason that they had been killed by the aborigines, an attempt was made to check wandering by an order that everyone detected beyond certain assigned bounds should receive one hundred and fifty lashes, while those who returned wounded by the natives were placed in the hospital, and flogged when their wounds were healed. It was a season full of horrors, and the soldiers were treated with almost as much rigour as those whom they had in charge.

About the end of January, 1789, a conspiracy was discovered among the soldiers to plunder the public store. This conspiracy, which was regularly organised, had existed for several months, and those who were party to it had succeeded in abstracting a quantity of the carefully hoarded provisions before the plot was found out, so that the stock on hand had been considerably reduced, and the condition of affairs was much worse than the Governor and officers had thought. Seven of the soldiers were detected in the act of plundering the store, and they were all hanged without any ceremony, despite the efforts of their officers to have them reprieved. At this distance of time, many persons will doubtless condemn Governor Phillip for what they may think was an act of undue severity ; but those who take the whole of the circumstances into consideration must acknowledge that the greatest sternness and promptitude were demanded, if anything like discipline and order were to be maintained in a community so hard-driven and desperate. Bennett well says, when referring to this time :—" The position of the settlement under a man of less firmness and self-reliance would have been desperate in the extreme. Starvation stared the people in the face, and the slightest relaxation of discipline would probably have been followed by a state of

anarchy and crime frightful to contemplate and impossible to control." But if Governor Phillip was firm and self-reliant even to sternness in dealing with offences, he was kind-hearted and disinterested to a degree. At the very time that this robbery by the soldiers from the common store was made, the Governor was living on the same daily ration as the meanest person in the settlement, the *weekly* quantity of food issued indiscriminately to all, and drawn by himself for his own consumption, being 2½ lbs. flour, 2 lbs. rice and 2 lbs. pork. Says Collins, who was one of the sufferers, "The Governor, from a motive that did him immortal honour, in this season of general distress, gave up three hundredweight of flour which was his Excellency's private property; declaring, that he wished not to see any more at his table than the ration which was received in common from the public store, without any distinction of person, and to this resolution he rigidly adhered, wishing that, if a convict complained, he might see that want was not unfelt even at Government House." Let those who feel disposed to condemn the Governor weigh well the evidence both for and against him before pronouncing judgment.

The state of things thus feebly depicted continued until the middle of May, when the *Sirius* returned from the Cape with a four months' supply of provisions for the settlement. Her arrival was hailed with great joy, and those convicts who had almost given themselves up to despair and the recklessness attendant upon such a condition of mind and feeling, at once became orderly, industrious, and well-behaved. Full rations produced contentment and even hilarity, and the convicts went so far in this direction as even to indulge in dramatic entertainments, permission to do so having first been obtained from his Excellency. The 4th of June was

the King's birthday, and free and bond joined in its celebration, rendering the occasion remarkable as the data of the first performance of a play in Australia. The play produced was Farquhar's comedy of "The Recruiting Officer," and the theatre was a hut fitted up for the occasion, the actors being all convicts. Concerning the merits of this early performance no information has been handed down to us; but Collins says, "they (the players) professed no higher aim than 'humbly to excite a smile,' and their efforts to please were not unattended with applause."

The chief work upon which the prisoners had up to this time been employed was in procuring building materials, erecting houses and stores, building boats and wharves, and in farming operations, 250 of them being engaged, mostly at Parramatta, in clearing the ground and cultivating the soil. The discovery of the Hawkesbury River by the Governor, who spent a large portion of his time in exploring the country in this direction in search of better land for cultivation, furnished a wider scope for operations, and parties of convicts were soon sent further afield to work. The fine deep soil on the banks of the river was admirably adapted for raising grain, and shortly after its discovery portions of it were allotted to settlers.

But another season of distress being feared, in November the people were again placed on short allowance, for although the first crop had been garnered at Parramatta, amounting to upwards of 200 bushels of wheat, with small portions of maize, barley and oats, it was deemed advisable to save the whole for seed for the ensuing year; and the rats had committed great havoc among the provisions in the public store at the settlement. The rations now served out were barely sufficient to preserve life, the *weekly allowance*

for adults being 2½ lbs. flour, 2 lbs. pork, 1 pint peas, and 1 lb. rice, the Governor and the officers again receiving equal measure with the convicts. And right in the midst of this trouble there came intelligence which intensified the gloom. The Sirius frigate, which had been sent to Norfolk Island, had been wrecked there, and although two years had elapsed since the foundation of the colony, no intelligence had been received from England, and for all the people knew no fresh supplies had yet started from headquarters. And again wanted discontent and disorder; again were issued and enforced stringent regulations against waste; again there followed insubordination, floggings and executions. The tender Supply was despatched to Batavia, the commander carrying instructions to charter a vessel there and load her as well as the Supply with a full cargo of provisions. Two months of deepest misery intervened, and then one morning early in June a sail was sighted from the South Head. The vessel proved to be the Lady Juliana, from London, which had been eleven months on her passage, having started in July of the previous year. The ship Guardian had been dispatched from England about the same time, with a large quantity of live stock and other supplies, but having struck on a rock she was compelled to put into the Cape of Good Hope, almost in a sinking state; and the Lady Juliana, a much smaller vessel, had come on with a part of her cargo and passengers. The provisions which thus came to hand at such an opportune time enabled the Governor to increase, but only to a small extent, the scale of provisions, it being thought that the stock would last until the return of the Supply from Batavia. Then other surprises quickly followed. Three ships from London, transports, put in their appearance, bringing out a large number of convicts, and detachments of the New South Wales Corps. More mouths to feed and very little to feed them!—the outlook was indeed dark and gruesome.

The character of the New South Wales Corps—afterwards embodied in the 102nd Regiment—has already been dwelt upon in Part I of this history ("The Story of the Ten Governors"), but the subject was not then exhausted, and it is necessary that something more should be said concerning a set of men whose actions proved them to have been cast in the coarsest mould of genteel viciousness. Concerning the formation of the Corps: A Major Grose had made a proposal to the Secretary of State to enlist a force for service in the penal settlement of Botany Bay, on condition that he received certain emoluments and honours, and his offer being accepted he set his recruiting officers to work, and soon succeeded in raising the requisite number to form the first detachments. Not from the ranks of tried soldiers did he raise his force, and not from the ranks of reputable men. They were to do duty in a land of convicts; who better for such service than convicts themselves? An Irish political prisoner named Holt, who was transported to the colony some years later than the period here referred to, and whose peculiar experiences will be narrated in a subsequent chapter, describes the officers of this Corps as "old tailors and shoemakers, stay-makers, man-milliners, tobacconists and pedlars, that were called captains and lieutenants." Likely men for the service were sought in the hulks of the prisons of the old land; soldiers under punishment were taken from the navy hulk; and those who had been condemned to service in India were reprieved on enlisting in the New South Wales Corps. Says Governor Hunter, who found them more troublesome than the convicts, "Characters who have been disgraced in every other regiment in his Majesty's service have been thought fit and proper recruits for the New South Wales Corps. . . .

We find among these, men capable of corrupting the hearts of the best disposed, and often superior in every species of infamy to the most expert in wickedness among the convicts!" And these are only fine lines in the picture. Those who have read what has already been written of these men, and who read what follows—and after all is said the whole truth will not have been told—will share in the astonishment of the writer of this story that every element of goodness in the young colony was not swallowed up in this sink of corruption called a Corps.

The vessels which brought to the colony the first contingent of Major Grose's "army" also brought about 2,000 male and 250 female convicts. The voyage out was full of horrors to the unfortunate prisoners. The vessels were not regular transports, but private ships, whose owners had contracted with the Government to embark prisoners at £17/7/6 per head, without any agreement being made for sufficient accommodation or proper control; nor were they even liable for any deduction for those who died on the voyage—hence, the greater number of deaths, the more profit to the contractors. Will the reader be astonished to learn that the sharks were well fed on human flesh during the passage? Nearly 300 of the wretched creatures on board in chains perished before the vessels reached Port Jackson, in consequence of the close and improper way in which they had been confined. Driven to desperation by the treatment they were receiving, some of the convicts made an attempt to overpower the guards and get possession of the ships. They failed, and failure brought increased suffering. The convicts were after this attempt all heavily ironed: and *the bodies of those who died under the hatches were permitted to remain there and putrefy for*

weeks! Is there in all the records of the time when slave-ships sailed the sea, a story more horrible and horrifying than this? Some of those who survived the voyage died when being conveyed to the land in boats, and many of the others landed only to die. No record has been preserved of the number that died after they were landed, but Colonel Collins makes this grim report:—"All possible expedition was used in getting the sick on shore, for even while they remained on board many died. The total number of sick on the last day of June was three hundred and forty-nine. The melancholy which closed the month of June appeared unchanged in the beginning of July. The morning generally opened with depositing in the burying ground the miserable victims of the night!"

But the officers and men of the New South Wales Corps lived through it all, and on their arrival they began to shew their superiority as soldiers wearing the King of England's uniform. Let Governor Phillip speak. He says:—"They were observed to be very intimate with the convicts, living in their huts, eating, drinking and gambling with them, and perpetually enticing the women to leave the men." The whole detachment, we are told, with the exception of the non-commissioned officers and five or six of the privates, took an oath to stand by each other, and not to suffer a soldier to be punished for whatever crime he might commit against an inhabitant; and so we hear Governor Hunter complaining that they had destroyed the dwelling house of one resident, for sport, no doubt, and that the greatest part of the detachment on one occasion left their barracks with their bayonets "to attack an unarmed people," continuing for four days in "open and avowed mutiny." The officers did not, certainly, transgress so openly after the fashion of

their inferiors, but they committed outrages of another character, as fully detailed in Part I; and they gave the sanction of silence to the "innocent pranks" of the privates in the Regiment. Governor Hunter it was who wrote to one of the commanding officers (Lieut.-Colonel Paterson) in the following strain, his anger somewhat interfering with his grammar:—"I must declare to you, sir, that the conduct of this part of the New South Wales Corps has been, in my opinion, the most violent and outrageous that was ever heard of by any British Regiment whatever!" Major Grose and Captain Paterson each served as Lieutenant-Governor during the interregnum, between the departure of Governor Phillip in December, 1792, and the arrival of Governor Hunter in September, 1795—the former acting two years, and the latter for about nine months. And here let us drop the New South Wales Corps. I do not care to handle vice too long.

Again taking up the thread of the narrative proper, we learn that in October (just six months after leaving on her foraging mission) the Supply returned to the colony from Batavia, with a full cargo of provisions, and the captain reported that he had chartered a Dutch ship, which was following, also laden with provisions. This was joyful news, and the whole settlement was immediately put on full allowance. The action of the Governor in limiting the ration of himself and the officers to that served out to the soldiers and convicts, while it prevented any expression of discontent, gave the latter the clearest proof that could be offered of Phillip's desire to deal fairly with them; and when the fresh provisions arrived there was general rejoicing. The frequent recurrence of times of scarcity, however, and the slow growth of internal production, made the convicts very unsettled, and there was a wide-spread desire to escape from a condition

where starvation appeared to be a contingency not very remote at any time. Early in 1791, several daring and successful attempts were made by prisoners to escape from the colony, by means of boats stolen from the settlers on the banks of the Parramatta and Hawkesbury Rivers, and with a view of preventing this an order was issued by the Governor limiting all boats to be built in future to a size so small that none but the most foolhardy would think of escaping in them. Nevertheless, the attempts continued to be made, but in the majority of cases the boats were so small and weak that they were swamped almost before they had cleared the Heads.

It was in August of this year that the convicts whose sentences had expired, and who desired to remain in the colony, were allowed to select small parcels of land to clear and cultivate for their own use. The first party, twelve in number, made selections of land about four miles from Parramatta, at the foot of Prospect Hill. From this time forward grants of land to emancipatists continued to be made with more or less liberality, and some of the large estates in the colony at the present day, if traced back for little over half a century, will be found to have had their beginning under the rule which extended the system of land grants to convicts whose sentences had expired and whose conduct had been good. And many of the prisoners had earned all that was given to them, for their services to the colony, apart altogether from the "labour" which the Government extracted from them as a penalty attaching to crime, were really very valuable—which is more than can be said of the services rendered by the crowds of non-commissioned officers to whom the public estate was served out in such large slices at this and at subsequent periods. The real pioneers of the country were,

not the retired officers or free settlers, but their assigned servants; for these were the men who braved the dangers of the bush, withstood the assaults of the justly incensed aborigines, cleared the land, cultivated it and made it habitable, and developed the resources of the country—while their masters, during the greater portion of the time, took their ease in what was then the only centre of civilization in the colony. It does not detract at all from the merit of the work in which these men engaged that their labours were not voluntary. It is to their credit that they performed their duties faithfully and well under circumstances of the most discouraging kind; and they deserved all the reward that came to them. As this story proceeds it will be seen that, as a rule, the men who laid the foundation upon which the industrial prosperity of the colony has been raised more often received kicks than half-pence as a reward for their labours.

Many of the more successful of the First Fleeters dwelt on the Hawkesbury and its tributaries, where the first agricultural settlers were planted, and from them, even to a date near the fifties, could be obtained reliable reminiscences of the olden time. One of these settlers, a Mr. S—, who was in well-to-do circumstances, and who had been freed shortly after arriving in the colony, told the following thrilling story in the year 1845:—

"I arrived in the colony fifty-six years since; it was Governor Phillip's time and I was fourteen years old; there were only eight houses in the colony then. I know that myself and eighteen others laid in a hollow tree for seventeen weeks, and cooked out of a kettle with a wooden bottom; we used to stick it in a hole in the ground and make a fire round it. I was seven years in service (bond) and then started working for a living wherever I could get it. There was

plenty of hardship then. I have often taken grass and pounded it, and made soup from a native dog. I would eat anything then. For seventeen weeks I had only five ounces of flour a day. We never got a full ration except when the ship was in harbour. The motto was 'kill them or work them; their provision will be in store.' Many a time have I been yoked like a bullock with twenty or thirty others to drag along timber. About eight hundred died in about six months at a place called Toongabbie, or Constitution Hill. I knew a man so weak he was thrown into the grave; when he said 'Don't cover me up; I'm not dead; for God's sake don't cover me up!' The overseer answered 'D— your eyes, you'll die to-night, and we shall have the trouble to come back again!' The man recovered; his name is James — and he is now alive at Richmond. They used to have a large hole for the dead. Once a day men were sent down to collect the corpses of prisoners, and throw them in without any ceremony or service. The native dogs used to come down at night and fight and howl in packs, gnawing the poor dead bodies.

"The Governor would order the lash at the rate of 500, 600, or 800; and if the men could have stood it they would have had more. I knew a man hung there and then for having stolen a few biscuits, and another for stealing a duck from a flock. A man was condemned—no time—take him to a tree, and hang him. The overseers were allowed to flog the men in the fields. Often have the men been taken from the gangs, had fifty, and been sent back to work. Any man would have committed murder for a month's provisions; I would have committed three (murders) for a week's provision! I was chained seven weeks on my back for being out getting greens, wild herbs. The Rev. — used to come it tightly to force

some confession. Men were obliged to tell lies to prevent their bowels being cut out with the lash!

"Old —— (an overseer) killed three men at the saw in a fortnight by overwork. We used to be taken in large parties to raise a tree; when the body of the tree was raised he (old ——) would call some of the men away—then more; the men were bent double—they could not bear it—they fell—the tree on one or two, killed on the spot. 'Take him away; put him in the ground!' There was no more about it.

"After seven years I got my liberty and then started about working for a living where I could get it. I stowed myself away on board the Barrington, bound for Norfolk Island, with eighteen others; it was not a penal settlement then. Governor King was there. I had food in plenty. I was overseer of the Governor's garden. Afterwards I went to live with old D'Arcy Wentworth and a better master never lived in the world. Little Billy, the great lawyer, has often been carried in my arms. Old D'Arcy wanted me to take charge of Homebush station, but I took to the river (Hawkesbury), worked up and down till I saved enough money to buy old B——'s farm at Pitt Town. No man worked harder than I have done. I have by me about £1000 ready cash. I have given that farm of forty acres to my son Joseph, and three other farms and about 500 head of cattle; and about the same to my other son. I have also got 80 acres besides my house, and some fine cattle. We are never without a chest of tea in the house; we use two in the year. I have paid £40 for a chest of tea in this colony. Tea is a great comfort."

This old man was described as large-featured, handsome, military sort of face, of a red-brown complexion, clean shaved, and his dress a flannel shirt with black bandanna,

tied sailor fashion, exposing his strong neck, and a pair of fustian trousers. A coat to him was like a prison, and he kept religiously away from that article of dress. He was as rough-mannered as he was honest, and a story is told of his meeting with Dr. —, who had the reputation among the prison population of never having spared any man in his anger or any woman in his lust. It was during the flogging days, and the Dr. met him in Sydney coming out of the bank. Holding out his hand the medico said "Come Mr. S—, shake hands, let bygones be bygones; I am glad to see you looking so well." The old man put his hands behind him, and bawled out "I suppose because I have got a velvet waistcoat, and money in the bank, you want to shake hands; but no! Dr —, it would take a second resurrection to save such as thee!" The Dr. did not wait to hear any more.

The old man's wife was blind, but had a good memory, and she told the following story with tears:—

"I have seen Dr. — take a woman who was in the family way, with a rope round her, and duck her in the water at Queen's Wharf. The laws were bad then. If a *gentleman* wanted a man's wife he would send the husband to Norfolk Island. I have seen a man flogged for pulling six turnips instead of five. One — was overseer, the *biggest villain* that ever lived—delighted in torment. He used to walk up and down and rub his hands when the blood ran. When he walked out the flogger walked behind him. He died a miserable death; maggots ate him up, and not a man could be found to bury him. I have seen six men executed for stealing 21 lbs of flour. I have seen a man struck when at work with a handspike, and killed on the spot. I have seen men in tears round Governor —, begging for food. He would mock them with 'Yes, yes, gentlemen; I'll make you comfortable; give you a nightcap and a pair of stockings!'"

Another man in the same year gave this account :—

“I arrived in the third fleet on the 16th October, 1791 ; it was on a Sunday we landed. The ship's name was Barrington, Captain March. I was sent to Toongabbie. For nine months there I was on five ounces of flour—when weighed out barely four ; served daily. In those days we were yoked to draw timber, twenty-five in gang. The sticks were six feet long, six men abreast. We held the stick behind us, and dragged with our hands. One man came ashore in the Pitt ; his name was Dixon ; he was a gentleman. He was put to the drag, but it soon done for him. He began on a Thursday and died on a Saturday, as he was dragging a load down Constitution Hill. There were thirteen hundred died there in six months. Men used to carry trees on their shoulders. How they used to die ! The men were weak—dreadfully weak—through want of food. A man named Gibraltar was hung for stealing a loaf out of the Governor's kitchen. He got down the chimney, stole the loaf, had a trial, and was hung the next day at sunrise. At this time a full ration was allowed to the Governor's dog. I have seen seventy men flogged at night, twenty-five lashes each. On Sunday evening they used to read the laws. If any man was found out of the camp he got 25. The women used to be punished with iron collars. In Governor King's time they used to douse them overboard. They killed one. Dr. — was a great tyrant. Mine is a life-grant from Governor Bourke—fourteen acres. I grow tobacco, wheat, and corn ; just enough to make a living.”

A story was current to the following effect, shewing the arbitrary rule of 1816 :—Governor Bligh “having heard from his cowkeeper, that the servant of an officer of the staff had made some impertinent remarks because disappointed of the

customary supply of milk for his master, on the following morning sent for the disappointed delinquent. Wondering and trembling he was ushered into the presence of His Excellency, who received him with a condescending smile, and told him that as the chief constable's house was on his way home, he (the Governor) had simply sent for him to save a dragon the trouble of going there with a letter. The letter was handed to the somewhat bewildered servant, who straightway delivered it to the chief constable, and as a reward was immediately tied to the triangles and treated to 25 lashes—the letter having contained the Governor's warrant for the payment of the reward.

CHAPTER VI.—ATTEMPTS TO ESCAPE.

LOOKING FOR CHINA—SUFFERINGS OF THE WANDERERS—
SKELETONS IN THE BUSH—VESSELS SEIZED BY ESCAPEES—
COLLINS' ACCOUNT—ATTEMPTS TO CURE THE PASSION—
THE STORY OF BRYANT AND HIS WIFE—PIRATICAL CONVICTS
—SEEKING LIBERTY ACROSS THE MOUNTAINS—DEATHS
UNRECORDED.

REFERENCE has already been made to the attempts made by the convicts to escape from bondage and starvation, and the measures that were taken to prevent them from succeeding. To fully narrate the flights by sea and land which the poor wretches essayed would fill a volume, and the reader must be content with bare outline here.

Men in extremity will seek refuge in any port, and will occasionally attempt to run with their eyes closed. In the latter part of 1791 several absurd attempts to reach China overland were made by runaway convicts. They believed

that far to the north New South Wales joined China, and that they would be able to reach that country without any larger stock of provisions than had been served out for their weekly supply. Twenty started with this idea on the first occasion, among them being several females; but, seven of them died in the bush, and the remainder, who were almost naked and dying of hunger, were brought back to the settlement by search parties who had been sent in pursuit of them. But still the fancy grew, and with no further knowledge and no better provisions than those possessed by the first ill-fated party, numbers of others made similar attempts. The Commissary's Report for 1792 states that of the numbers who had left the settlement in the hope of finding their way to China, no less than forty-four men and nine women had not since been heard of, and they were supposed either to have perished or to be still wandering about the bush.

Referring to this matter Bennett says:—

“The idea of the contiguity of China to Australia was possibly derived from an indistinct notion possessed by some of these ignorant people of the theory entertained by the old geographers that the great South Land was connected with Asia. The illiterate classes of the last century possessed, notwithstanding their want of book learning, a vast fund of tradition, in which fact and fiction were wonderfully intermingled. This kind of unwritten knowledge has now nearly died out in Great Britain, and is perhaps only to be found among some of the old folks of the remoter part of Wales, Scotland, and Ireland. It still exists, however, in all its strength in countries where book learning has not made much progress. In India and most Eastern countries oral tradition continues to be the principal medium for the transmission of such knowledge as the natives possess. The notion about the

junction of Australia with China, if derived from the source indicated, was, like the belief in the existence of the Great South Land and its golden treasures, an instance of traditional knowledge transmitted from times of very great antiquity, and was a part of that folk-lore of which it is now, in most cases, difficult, if not impossible, to trace their origin. The Chinese, it should be remembered, had been accustomed to visit the northern coasts of Australia for ages, and they had numerous settlements in the Indian Archipelago in very remote times."

The rage concerning China appeared to reach its climax in 1798. Barrington, under date May of that year, says:—"Some of the Irishmen who had for some time been searching for a road to China, were brought in by the settlers near George's River. They had wandered through the woods till nearly perished for want of food, when they were discovered in an unexpected way. Some people going from Botany Bay up George's River, had lost themselves by following an arm of that river never before looked into. During this mistake they met these people, whose want of knowledge of the country led them down on a point of land placed between two waters, where they remained nine days, unable to return, and must have perished, had not an accidental mistake led the people in the boat to them. The narrative given of their travels and sufferings was the same as of other similar adventurers, and added one more to the many already recounted to prove that daring folly and extreme ignorance must be acting in strong conjunction over the minds of those who made such attempts."

Collins, in his history, says:—"Occasional desertions of one or two people at a time had occurred from the first establishment of the colony; but the first Irish convicts that

arrived from Ireland in the year 1791 went off in numerous bodies, few of whom ever returned. . . . It was not then to be wondered at that Wilson, who had returned from living in the woods, should, among other articles of information, mention his finding of more than fifty skeletons, which the natives assured him had been white men, who had lost their way and perished. This account was corroborated by different European articles which were found, such as knives, old shoes, and other things which were known not to belong to the natives." The locality where Wilson says he saw the skeletons was on the lower ranges of the Blue Mountains which had up to that time been penetrated by no white man save Wilson—who was himself a runaway convict.

In January, 1788, a large number of prisoners, misled by misinterpretations of stories by the blacks, conceived the idea that there was a colony of white people about 500 miles to the South West, and at once formed a plan to escape to that place; but the plot was discovered and sixteen of the prisoners were brought back to Sydney and punished. In order, however, to convince the convicts of their error, the Governor decided to dispatch four of the strongest malcontents, with four soldiers and guides, on a journey in the direction of the supposed colony. After an absence of ten days three of them returned, but the fourth man being determined to proceed was left with the guides to further prosecute the unsuccessful and hazardous journey. They returned, however, after being out twenty-six days, and for a time there was no further disposition manifested to hunt for any new colony.

Numerous attempts were made by the convicts to seize large boats and ships, and in several cases with success, although the results were not in any case recorded as favorable to the convicts as they desired. In 1797 some

convicts seized the "Cumberland;" in 1798 another party seized the "Venus;" in 1799 a strong party seized the "Harrington" and got clear away with her, but she was subsequently captured in the Indian Seas by H.M.S. Phoenix on the way back, and the vessel was wrecked, and all the convicts escaped or perished. In 1813 the "Unity" was taken out of the harbour by convicts, and three years later the "Trial;" but the latter was wrecked, and it is supposed that the convicts on board were either drowned or killed by natives on the island near which the vessel foundered. The place where the wrecked boat was subsequently found by Mr. Oxley, the explorer, was called "Trial Bay." In 1817 the "William Cæsar" was taken, and in 1823 the "Isabella." The Government boat "William Cæsar" was afterwards found north of Port Stephens. In 1833 the "Lady Franklyn" was seized by 22 convicts who were being conveyed in her from Norfolk Island to Van Dieman's Land; they kept possession of the vessel for eleven days and then abandoned her and took to the boats, having first loaded the boats with provisions. Several other cases will be given when the histories of notorious convicts are being dealt with in subsequent chapters.

In 1823, a small craft was seized at Port Macquarie and was not afterwards heard of.

On October 4th, 1828, an assigned servant and five other prisoners absconded from the station of Mr. McQueen, and attempted to reach Timor or New Guinea overland. After penetrating the country for 200 or 300 miles and enduring the most frightful sufferings, by which all his companions died, McQueen's servant returned and gave himself up to a Justice of the Peace.

In 1842 the "Governor Phillip," a vessel employed by Government to carry provisions to and from Norfolk Island, was piratically seized by the prisoners of the island. The boats crew of twelve prisoners, who were employed between the vessel and the island, by a preconcerted signal, disarmed the sentry on board, compelled such of the crew who were on deck to jump overboard, and secured the captain, mate, and soldiers below deck. The Captain and mate by breaking through a partition, communicated with the soldiers, and an attack upon the convicts was commenced by firing through the crevices. The shots took effect; the soldiers rushed on deck, and after a brief struggle, recaptured the vessel. One soldier was killed and five others were wounded; and of the convicts five were killed and two wounded. The others were tried and convicted, and four of them were executed.

One very peculiar story of attempted escape is told, the period being 1792. A convict named Bryant, who was engaged in fishing for the supply of the settlement, with his wife and a number of other convicts determined to make an attempt to escape in a small fishing boat. They stole the boat, and entered upon a most hazardous journey. Nothing being heard of them for a considerable time, it was thought that the escapees had perished, but it afterwards appeared that some of them had succeeded in reaching Batavia, after almost incredible sufferings, and that here Bryant, one of his children and two of his companions died from the effects of the hardships they had undergone. Bryant's wife and child and four of the convicts were then taken on board an English ship, and the latter were delivered up to the authorities. On their arrival in England the story of their sufferings excited so much compassion that on being brought up at the bar of

the Old Bailey, they were merely ordered by the Court to remain in Newgate prison until their original sentences of transportation had expired.

Some remarkable stories are told concerning runaway convicts who became pirates, after having either overpowered their custodians or cut the vessels out at night while they lay quietly at anchor in Sydney harbour. Some of these pirates were captured; but many were never afterwards heard of, and the probability is that in many cases shipwreck followed escape, and death by drowning or in the maws of the ravenous sharks followed the shipwreck. But in the memoirs of John Williams, the pioneer missionary of the South Seas, there is evidence that many of these piratical convicts, being skilful with the compass, made the South Sea Islands, and for a time ruled as bloodthirsty Kings. Here is an account of the doings of a few of the monsters whose infamies brought them to fearful deaths. Says the writer :—" Many of the runaway sailors who came to the islands were convicts from New South Wales who had stolen vessels and had thus made their escape. I was informed that soon after the first missionaries visited the islands, a gang of these pirates came there in a fine schooner, which, after stripping off her sails and every article of value, they scuttled and sunk a few hundred yards from the shore. Shortly before this another gang of these desperadoes arrived in a stolen vessel at the Society Islands; and although treated with the greatest kindness by the chief, Huaihine, they contrived, after plundering his house of all his property, among which was a blunderbuss and a small cask of powder, to decamp at night in a whaleboat. Two native crews were sent after them, and unfortunately one of the canoes fell in with them. They were saluted with the contents of the blunderbuss which blew

the head of one of them to pieces. Two more were killed by the same weapon, and a fourth severely wounded. The only other person present was a little boy, who jumped into the sea, and hid himself behind the canoe, when the wretches supposing that they had completed their work of destruction, hoisted their sail and departed. The boy then climbed into the canoe, and assisted by the wounded man, rowed to the shore. On my return from one of my voyages, I found several of these men at Raiatea. They immediately came to me and represented themselves as shipwrecked mariners. In reply to my inquiries, they said they were wrecked in 73deg. north, and were only three weeks in reaching the Society Islands. I replied immediately that the tale was a foolish fabrication; that I was convinced they were convicts; and that I should write by the first opportunity to inform the Governor of Sydney of their arrival. They left Raiatea the day after, or perhaps some of our people would have been murdered as those of Huaihine were. Subsequently these ungrateful wretches reached the Navigators' Islands, where they entered with savage delight into the wars of the natives, and having firearms and powder, they made fearful havoc among them. However, vengeance suffered them not to live, for the leader of this murderous gang very soon fell a victim to his temerity. On one occasion, seeing a number of the opposite party clustered together, he fired his blunderbuss, heavily loaded with bullets, and killed nine upon the spot, beside wounding others. The natives, however, did not give him time to reload his murderous weapon, but rushed upon him and killed him with their clubs. The chief for whom he was fighting entertained so high an opinion of his bravery that he cut off his head and carefully sewed the fractured parts of the skull together with fine civet. The chief and his

family worship this convict's head as containing the spirit of war. A second of these wretched men was drowned in endeavouring to make his escape. A third pirate convict fell in battle shortly afterwards, but to the monster of iniquity, whom the natives put to death, a longer time was allowed. Of this individual I received most fearful accounts. It was stated that this convict had killed upwards of 200 natives with his own hands. Being an excellent marksman, no one could escape who came within the reach of his musket. The natives fled as soon as they perceived him; and to avoid detection with fiendish ingenuity he smeared himself with charcoal and oil. He seldom left the fort of the party for whom he was fighting without killing a number of the enemy whose heads were invariably cut off, and ranged before him during his meals. He often seated himself upon a kind of stage, smeared with blood, and surrounded with the heads of his victims. In this state his followers would convey him on their shoulders, with songs of savage triumph, to his own residence. The party for whom he fought was, however, conquered, and he saved his life by fleeing to the mountains, where he lived three months upon roots, or whatever else he could obtain. At length he came to Manono, and threw himself upon the mercy of the chiefs, who spared him upon the condition that he should never again engage in their wars. But a few months after this, having received authentic information of his secret intrigues with the opposite party, the chiefs held a consultation, at which it was determined to put him to death. One of their number, a powerful young warrior, was charged with this commission, and selecting a few faithful followers he proceeded at midnight to the murderer's house, and, by a single blow, severed his head from his body."

But the runaways by sea were far less numerous than the runaways by land. Until the country to the westward and southward had been explored and settled, extraordinary rumours concerning the unknown country in that direction gained currency among the convicts. We have seen how the idea that China could be reached overland operated in the case of a number of the Irish prisoners. Many others entertained notions equally foolish—of a nation of white men living on beautiful plains beyond the then impassable chain of Blue Mountains, of a race of copper-coloured people living in plenty far away in the bush, and other fanciful and erroneous ideas; and in seeking to escape from their chains and the lash to these imaginary places of refuge at a distance, hundreds of the convicts met their death, their skeletons being found years afterwards bleaching in the gullies or on the mountain side. If they chanced to be discovered before the blacks had speared them or they had died from starvation, they were taken back to the settlements and carefully nursed until they had recovered sufficient strength to endure the correction of blood-letting under the lash.

Here is one miserable story of an exploring expedition made by a party of convicts without authority:—

In 1815 the recently-discovered passage over the Blue Mountains was looked upon by some sanguine-minded convicts as the road to liberty, and eight of them escaped from their guardians at Windsor and set off with the intention of reaching the western coast by crossing the ranges and then building a vessel, by the aid of which they hoped to escape to the island of Timor. But it very nearly proved the road to death. They left Windsor on October 14th; the commencement of the hot weather, taking with them a small quantity of provisions, a few blankets, some cooking utensils,

an axe, a musket, a pistol, some ammunition, a few articles of wearing apparel and four dogs. Fearing pursuit they avoided the mountain road and travelled on the summit of the ranges, going alternately on each side of the only beaten route. The hardships which they encountered in this inhospitable country may be imagined. They suffered great fatigue, being under the necessity of frequently lowering each other down the steep precipices which barred their way, and having very little to eat. At the end of six days their provisions had failed, and for three days they were without food, their hope of finding fish in a stream upon which they came being broken by the absence of the fish. At the end of the ninth day, when at the point of starvation, they passed the mountains and fell in with a herd of cattle which had just previously been sent into the "new country." They hunted and killed some of the calves and had a feast, which encouraged them to pursue their journey. Passing on they came to the new settlement at Bathurst, but they were careful to keep out of view, and coming upon some more calves on the plains they killed them and fondly buoyed themselves up with the false hope that the flesh would last them until they reached the sea, into which they no doubt imagined the Macquarie emptied itself. But the supply of provisions thus obtained failed soon after they had passed the settlement, and being unsuccessful in their attempts to bag the only game within view—the emu and kangaroo,—they resorted to fishing. But they had no tackle, and a few of their number returned to the settlement, which they entered under cover of darkness, and carried off the halyards of the first flagstaff that had been erected on the western side of the Blue Mountains. From these they made fishing lines, and thus furnished they continued their journey, following the course of the

Macquarie River. But hunger and fatigue had taken the spirit, as well as the physical strength, out of one man, and he deserted his companions, returned to the plains, and surrendered himself to the settlement. The remainder of the party continued their journey beyond Bathurst for a period of twenty-four days, but their sufferings must have been terrible, as failing to procure game or fish, they had to kill and eat their dogs in order to allay their hunger and supply bait for fishing. Subsequently they were confined in their diet by force of circumstances to a very little fish and what nettles and wild mint they could find growing near the river. When reduced to the utmost straits they fell in with a party of natives, and to them they intimated by signs that they were famished and wished to be guided to Bathurst, where they would gladly give themselves up to the authorities. The blacks brought some fish and turtle, but would not part with any except in exchange for some of the articles of clothing belonging to the fugitives. They then started on their return with as much expedition as their fast failing strength would allow, subsisting almost entirely on herbs, with a little fish and game supplied by the blacks in exchange for articles of clothing. After two days one of their number fell sick and he was left behind in care of the strongest of the party, while the other five proceeded towards the plains, until, becoming quite exhausted, they gave themselves up for lost, being unable to proceed any further. Their joy may be imagined when at this juncture they saw two white men approaching. The new comers gave them bread, but they were scarcely able to eat it. A cart was subsequently brought from the settlement, and the absconders were shortly afterwards rejoiced to find themselves once more surrounded by their own countrymen in a place where food was

obtainable. The man who had been left in charge of his sick companion left his patient to die where he lay as soon as the main party had disappeared, and reached the settlement in full vigour shortly after them. The whole of the survivors were sent on to Windsor, where for a length of time they lay in so weak a condition that their recovery was considered hopeless. But recovering strength, their narrative was turned to good account, as all information concerning the grand western country was gladly accepted, from whatever source it came. The three ringleaders of the party were flogged and worked in irons as soon as they recovered, as a warning to others who might wish to seek new country without permission and official guidance.

So frequent did these attempts to escape become that periodical musters were established, and in 1801 an order was issued to the effect that any free person not appearing at the general musters would be taken up as a vagrant, and punished with the utmost rigour of the law, while if the absentee were a convict he would be sentenced to one month's confinement in the "Battery Gang."

In 1795, a vessel which was driven by contrary winds to seek shelter at Port Stephens found there four white men who were at first supposed to be shipwrecked seamen, but who turned out to be runaway convicts who had been missing for nearly five years, and were supposed to have perished. Here is the account which was published shortly after the occurrence:—"The ship *Providence*, of twenty-eight guns, commanded by Captain Broughton, from England, met with very bad weather on her passage from the Brazil coast, and was driven past the harbour of Port Jackson as far to the northward as Port Stephens, in which she anchored; and where, to the great surprise of Captain

Broughton, he found and received on board four white people (if four miserable, naked, dirty, and smoke-dried men could be called white), runaways from Parramatta in the month of September, 1790, by name John Tarwood, George Lee, Connoway and John Watson. Their fifth companion (Joseph Sutton) had died. They told a melancholy tale of their sufferings in the boat; and for many days after their arrival they passed their time in detailing to the crowds, both of black and white people which attended, their adventures in Port Stephens, the first harbour that they made. Having lived like the savages among whom they dwelt, the change of food soon disagreed with them, and they were all taken ill, appearing to be principally affected with abdominal swellings. They spoke in high terms of the pacific disposition and gentle manners of the natives. Each of these had had a name given him, and given with several ceremonies. Wives also were allotted them, and one or two had children. They were never required to go out on any occasion of hostility, and were in general supplied by the natives with fish or other food, being considered by them (for so their situation could only be construed) as unfortunate strangers thrown upon their shore from the mouth of the yawning deep, and therefore entitled to their protection. They told a ridiculous story, that the natives appeared to worship them, often assuring them, when they began to understand each other, that they were undoubtedly the ancestors of some of them that had fallen in battle, and had returned from the sea to visit them again; and one native appeared firmly to believe that his father was come back in the person of either Lee or Connoway, and took them to the spot where his body had been burnt. On being told that immense numbers of people existed far beyond their little knowledge, they instantly

pronounced them to be the spirits of their countrymen, which, after death, had migrated into other regions."

Writing of events which transpired during this same year (1795) Captain Collins says:—There were at this time several convicts in the woods subsisting by theft; and it having been reported that three of them had been met armed, it became necessary to secure them as soon as possible. People were sent out immediately, and one of the wretched runaways was soon met with in the act of robbing a garden, and, refusing to surrender, was shot. The knowledge of his fate drove the others to a greater distance from the settlement."

Hundreds of other runaway stories similar to those cited could be given, but I have chosen from the host a few of those which I have considered most suitable for shewing the horrors attendant upon any attempt to escape from the regulated miseries in the discipline of the barracks or the gangs. The sufferings in the bush, however great, were simply taken by the runaways as a relief, and in many cases if these sufferings were unto death, the relief was counted all the greater. The lingering agonies of starvation in the bush were considered by many of these poor wretches infinitely preferable to the oft-recurring tortures of the lash or the ankle-chains. How many died from starvation in the fastnesses of the unexplored mountains, or beneath the waters outside the harbour, or from spear or club wounds inflicted by the natives, will never be known, for a full record was never kept, a score or two convicts less being considered of but little moment in a community where they were so numerous.

CHAPTER VII.—LIFE ON BOARD CONVICT SHIPS.

A DARK AND TERRIBLE STORY—CHOOSING THE CONVICTS—TENDERING FOR TRANSPORTS—REGULATIONS CONCERNING TREATMENT—MORTALITY ON THE VOYAGES—"FLOATING HELLS"—DR. WHITE'S REPORTS—CHAINS, HANDCUFFS, AND "THE CAT"—OTHER AMUSEMENTS—SURGEON CUNNINGHAM'S ACCOUNT—THE FEMALE VOYAGERS—STARTLING STATISTICS.

THE description already given of the treatment and condition of the "First Fleeters" on board the transports during the voyage from England to Australia will not serve as an illustration of the ordinary voyages of the vessels chartered to convey convicts to these shores, and it is necessary that I should deal with the subject in a more exhaustive manner. The whole story of life on board these convict ships is a dark and terrible one, yet the system of felony cannot fully be described without its narration, and the reader will bear in mind that some of the darkest details are not and cannot be given.

After sentence of transportation was passed in the old country convicts were sent to the hulks or gaols, where they remained until the period of their departure arrived. On board the vessels they were under the sole control of the surgeon-superintendent, who was furnished with instructions as to his conduct from the Admiralty. Mortality amongst the prisoners prevailed to a fearful extent in the earlier days of transportation, the physical evils of the long voyage proving most disastrous, while, owing to faulty discipline, and close contact between so many of the criminals, moral evils reeked and festered in abomination during the passage out.

The manner in which Transportation was conducted was thus described in a report from the Select Committee of the House of Commons in 1812 :—" When the hulks are full up to their establishment, and the convicted offenders in the different counties are beginning to accumulate, a vessel is taken up for the purpose of conveying a part of them to New South Wales. A selection is in the first instance made of all the male convicts under the age of 50, who are sentenced to transportation for life and for fourteen years ; and the number is filled up with such from amongst those sentenced to transportation for 7 years as are the most unruly in the hulks, or are convicted of the most atrocious crimes : with respect to female convicts it has been customary to send, without any exception, all whose state of health will admit of it, and whose age does not exceed 45 years."

Tenders were invited when a ship was required, and the lowest tender was accepted. It was then fitted up with provisions, medicine, clothes, &c., for the number of convicts it would carry. The surgeon in whose charge the convicts were placed was instructed to keep a diary not only of the illness on board but of the number of convicts admitted on deck, of the scraping the decks, cleaning the berths, and the general treatment of the transports. The sick were to be visited twice a day and the healthy once, and he received a gratuity of 10/6 for every convict landed in New South Wales from that vessel. The master of the ship was expected to perform certain duties, and if his conduct proved satisfactory, the log-book being his judge, he received a gratuity of £50 from the Governor ; but if the contrary turned out to be the case he was liable to prosecution. About 200 men or women were generally embarked on board one ship, with a guard of thirty men and an officer.

These remarks apply to the custom prevailing after 1801, for prior to that time matters were conducted very loosely, and not a few of the transport ships were simply floating hells. As a proof that there had been some improvement the mortality tables shew that while from the year 1795 to 1801 of 3,833 convicts embarked, 385 died during the voyage, being nearly 1 in 10, of the first 2,398 embarked after 1801 only 52 died on the passage, being 1 in 46. No arrangement whatever was made for the performance of Divine service on the transports, and the Select Committee in 1812 spoke very strongly on that point, with the result that some little improvement was made in after years. Up to this time the list of convicts sent with the Government despatches was deficient, inasmuch as it did not particularise the offences of which the convicts had been convicted, and in distributing them upon their arrival the Governor had no clue to guide him in giving to them more or less advantageous situations, according to their characters and crimes.

That forty of the convicts out of the 750 brought in the first transports that accompanied Governor Phillip should die on the voyage, was not considered a very remarkable circumstance, considering that the ships were nearly twelve months on the water, and that the provision for their accommodation on board was not of the best kind. But these convicts were better treated than were thousands of their fellows who were subsequently sent out, as has already been shewn. It is almost impossible to preserve decency in writing when describing the manner in which these unfortunate wretches were treated on board—the females especially; but everything I have here set down is borne out by State documents, in which the blood-curdling details are given without remark, as though the events were as natural as they

were common. The convict vessels might well be described "Floating Hells."

The work of carrying convicts was, as I have said, entrusted to contractors whose greed only equalled their unscrupulousness. They received sixpence per day in the earlier times for the food allowance of each prisoner, besides a tonnage rate, and as the sixpences accumulated in proportion to the length of the voyage, it will be understood that to make speed was not considered by the ship owners or their captains the most important part of their duty. Then there was no deduction made for deaths on the voyage, and we may be sure that the knowledge of this fact did not make the lives of the manacled wretches under their care of greater value in the eyes of the captains. The reports of Dr. White, the surgeon who came out with the First Fleet, and who for years after his arrival acted in his official capacity, give some idea of the mortality on board some of these "Floating Hells." He says in one place:—"Of the 939 males sent out by the last ships—the Surprise, Scarborough, and Neptune—261 died on board, and 50 have died since landing; the number of sick this day is 450, and many who are reckoned as not sick have barely strength to attend to themselves; when the last ships arrived we had not 60 people sick in the colony." This was in the year 1790, and the vessels formed part of what was known as the Second Fleet. On the last-named vessel the number that succumbed was 164. No less than sixty-six died on another vessel in 1802 between Cape Town and Sydney, and during the eight years following the establishment of the settlement the total number of those who died on the voyage was computed at one-tenth of the whole number sent out.

Dr. White further reports that when visiting the vessels on their arrival in Port, such inspection forming part of his duty, he sometimes found amongst the living convicts below, the bodies of those who had died in their chains, the chains being still upon them. Here is a picture drawn by him of what he saw and experienced during another official visit of inspection :—" A great number of them (the convicts) were lying, some half and others nearly quite naked, without either bed or bedding, unable to turn or help themselves. The smell was so offensive that I could hardly bear it. Some of these unhappy people died after the ship came into the harbour, before they could be taken on shore. Part of these had been thrown into the harbour, and their dead bodies cast upon the shore, and were seen lying naked on the rocks. The misery I saw amongst them is inexpressible." And one ceases to marvel that this should be so when he learns that the prisoners were crowded in the holds of the vessels without any regard to air space or convenience, the vessels being mere tubs. Slave ships, when the slave trade was at its worst, never carried human cargoes such as were carried by these transports, condemned to suffer agonies which no groaning could relieve and no appeals for mercy could soften. A recent writer, referring to the condition of the convicts in the vessels, very tersely sums up the case, thus :—" Herded like pigs, but not half so well-fed ; half-clothed, and robbed on board of any comforts a kind hand might have provided for the voyage ; chained to a dead body, sometimes, or to a dying man, and flogged into mutiny and out of it at the caprice of a drunken skipper, these unhappy convicts, in their despair, often preferred the gaping maw of a hungry shark to the horrors of the prison-ship. The shark, at least, would use no more violence than was necessary. But the

records show that these drunken skippers tortured their victims because they liked it."

The account which has already been given in one of the previous chapters, shewing how the convicts were treated on the vessels which brought out the first contingent of the New South Wales Corps, does not stand as a singular record of the ill-usage and brutality to which they were subjected—it forms but one of many which could be given, all equally horrifying. From the officer in command to the rawest of the recruits, and from the skipper to the lowest among the sailors on board—all treated the prisoners as though they had been handed over to them, body and soul, to be made sport of; and the simplest form of sport indulged in was the indiscriminate use of the "cat-o'-nine-tails." The men would take it in turns to ply the lash, and there is one record of forty-two male and eight female convicts having been flogged at the gangway by the soldiers and sailors on the "Marquis of Cornwallis" in 1796, one of the convicts having disclosed an intended mutiny to the captain, who thus sought to break the rebellious spirits of his charge. Another record tells how the whole cargo of convicts was kept in irons during the entire voyage, "in consequence," as Governor Hunter puts it, "of some conjecture that they meant to seize the ship and murder the officers." In 1798 a vessel left England for Sydney with recruits for the New South Wales Corps, there being put on board with them sixty female prisoners, and provisions for the settlement. The reader must imagine the scenes of debauchery that were enacted during that voyage. There was soon mutiny on board. The soldiers murdered the master and chief-mate and seized the ship, and after carousing to their hearts'

content for a time, they made for Rio Janeiro and handed the vessel over to the Portuguese governor.

Chains and handcuffs did duty with the scourge and the rifle. We are told that one vessel carried 36 handcuffs and 200 basils with chains for use on the voyage, and that on more than one occasion the captain of a convict ship fired into the hold amongst the prisoners to check a disturbance among them. Is it at all wonderful that one-tenth of the prisoners sent out in the early days should have "died" on the voyage?—is it not wonderful, rather, that more than one-tenth survived the horrors of the long residence in these Infernos on the sea?

Under the better regulations subsequently introduced, however, and with humane men in command, the horrors of the voyage were to a great degree mitigated. Surgeon Cunningham, R.N., who on several occasions served as surgeon-superintendent on board a transport ship, thus describes the voyage and the method of treating the convicts during its continuance, his experiences extending over years preceding 1826:—

"Before leaving the Hulk, the male convicts are thoroughly clothed in new suits, and ironed; and it is curious to observe with what nonchalance some of these fellows will turn the jingling of their chains into music whereto they dance and sing. Two rows of sleeping-berths, one above the other, extend on each side of the between-decks of the convicts ship, each berth being six feet square, and calculated to hold four convicts, everyone thus possessing eighteen inches of space to sleep in—and *ample* space, too! The hospital is in the forepart of the ship, with a bulk-head across separating it from the prison, having two doors with locks to keep out intruders; while a separate prison is built

for the boys, to cut off all intercourse between them and the men. Strong wooden stanchions thickly studded with nails are fixed round the fore and main hatchways, between decks, in each of which is a door with three padlocks, to let the convicts out and in, and secure them at night. The convicts by these means have no access through the hole to the prison, a ladder being placed in each hatchway for them to go up and down by, which is pulled on deck at night. Scuttle-holes, to open and shut for the admission of air, are cut out along the ship's sides; a large stove and funnel placed between decks, for warmth and ventilation; swing stoves and charcoal put on board, to carry about into the damp corners;—and, in fact, everything that can be thought of provided to secure health and proper comfort to the convicts during their voyage. Each is allowed a pair of shoes, three shirts, two pairs of trousers, and other warm clothing on his embarkation, besides a bed, pillow, and blanket—while Bibles, Testaments, prayer-books, and psalters, are distributed among the messes.

“The rations are both good and abundant, three-quarters of a pound of biscuits being the daily allowance of bread, whilst each day the convict sits down to dinner off either beef, pork, or plum pudding, having pea-soup four times a week, and a pot of gruel every morning, with sugar or butter in it. Vinegar is issued to the messes weekly; and as soon as the ship has been three weeks at sea, each man is served with one ounce of limejuice and the same of sugar daily, to guard against scurvy; while two gallons of good Spanish red wine, and one hundred and forty gallons of water are put on board for issuing to each likewise—three to four gills of wine weekly, and three quarts of water daily, being the general allowance. The sick are in like manner

provided with all requisite medicines and comforts, as well as with warm dresses, spare bedding, sheets, and every description of hospital furniture.

“ The common diet of the convicts is certainly *more* than is requisite to keep them in health, as they have no work to do; but it is not more than is *politic* to allow them; because, if you stint them on the voyage you must keep them under greater restraint, and their healths will suffer in consequence. Two delegates, chosen in succession from the several messes, daily see the provisions weighed out, and justice done to the whole body in that particular. . . .

“ Previous to the convicts embarking I have the whole prison thoroughly secured and ventilated, all the mess-berths and mess articles numbered according to their corresponding messes, and the beds, blankets and pillows marked with consecutive numeral figures in black paint, from No. 1 up to the highest number of convicts embarked. The beds are all marked at the same corner, and the pillows being sewed to the head of them (with a stout cord appended to tie them up by) the blankets are now placed inside, and all rolled together with the number of the bed on the outside (to admit its being referred to) and the whole placed according to their consecutive numbers in the sleeping berths, ready for distribution. The convicts are allowed to choose their own messmates; and on the mess-list being arranged upon deck, they are put below and placed according to muster in their respective messes and sleeping-berths; each mess being supplied with, its necessary utensils, and each individual furnished with the bed corresponding to his name—all thus messing and sleeping along the prison-deck in regular numeral progression.

“ Every article of clothing belonging to each individual is next uniformly marked in a conspicuous manner with a

number corresponding to the bed he has been supplied with, which prevents the thieving each other's articles, enables every man to know his own from his neighbour's, enables the surgeon to distinguish them in litigated cases, and enables also any individual in the ship to single out an ill-doer by simply taking a note of his number, without reference either to his name or personal appearance. Before I adopted this plan of numbering the clothing, the lazy incorrigibles would toss their dirty garments overboard, and coolly help themselves to a clean suit from their simpler comrades.

"The next consideration is, to cull out a portion of the most fitting among them to make a sort of petty officers of, for seeing orders executed and keeping the others in subjection. These individuals are called 'Captains of the deck,' four officiating in the prison and two upon deck; all the convicts being obliged to obey their orders equally with the surgeons; while a captain is appointed to each mess, who sees his place kept tidy, attends for the rations, and is responsible for the orderly demeanour of the other five members. Two individuals are also employed to fill the cisterns, &c., every day; two to take charge of the hospital, and four to attend to the schools.

"The captains of the deck have double allowance of wine each day it is served, and a glass of rum during the other days of the week. The rest of the individuals in *office* have only double allowance of wine for their trouble, but all official characters are permitted to carry their wine away and drink it, the remainder being obliged to drink theirs at the tub. I also allow each captain of the deck and hospital man two pounds of tobacco for use on the voyage, served out to them in portions monthly, besides giving them the choice of

the clothes, and, in fact, every little encouragement possible, to insure the correct performance of their duty. Six or eight pounds expended in this way by the surgeon, out of his own pocket, will be amply repaid him in the greater ease with which he can carry on his duty, and the satisfaction he will reap in the good order resulting. The main objects to be looked to, with regard to the management of the convicts, are—seeing strict justice done them in issuing the rations from the ship's stores ; promoting cleanliness, comfort, and hilarity among them ; admitting them freely upon deck to take the air ; and striking off their irons as early on the voyage as due caution may warrant.

“ The upper and lower decks are daily cleaned under the superintendence of the captains of the deck, being scrubbed, swabbed, scraped, or dry holystoned, according to the state of the weather ; the whole of the prisoners being constantly kept on deck till the prison is thoroughly dry.

“ Dancing is encouraged also every afternoon, and they may *sing* all day long if they please. As they have but little to amuse themselves with, endeavours must be made to find amusement for them, and this can be no ways better accomplished than by giving them something to work at.

“ Three separate written codes are pasted upon boards and hung up between-decks, for individual perusal, after being first read over and commented on. One contains the duties of the captains of the deck, captains of the messes, delegates for attending the issuing of provisions, &c. ; another, regulations regarding divine service, the cleaning of the deck, cutting up and cooking the meat rations, washing-days, musters, schools, &c. ; the third being a sort of criminal code, in which every offence that can be committed and the punishment awarded, are plainly expressed.

“ It is also essential to point out *explicitly* to every man what you expect from him, as he then clearly understands the duties he has to perform, as well as the consequence of his failure therein ; and by impressing upon the minds of the culprits that it is for *their* good, as well as for the good of their associates, that you punish them, they in general quietly submit. Gambling is a prevailing vice, and requires great exertion to keep it under ; dice, cards, pitch-and-toss, and various other speculations, soon become general, unless checked ; and to such a height of infatuation will this vice be carried, that I have known a country simpleton go three whole days without food, having gambled away all his rations for that period. Until gambling is stopped, thieving will be carried on ; because the fellow who loses his own dinner will always insure one out of some other person’s mess, unless he is a very sorry thief indeed, which was the *failing* of the three-day’s Lent keeper before spoken of. I do not object to their bartering and selling their rations among each other, never seeing any harm accrue from it. Indeed, I could not stop it if I would. They seldom eat promiscuously at a meal, but the mess allowance is divided into six equal parts, and awarded by lot (being as suspicious of each other’s honesty in *eating* as in everything else). The provisions are cooked by two of their own body, who have the fat as a perquisite, which they readily sell in New South Wales for £10, thus clearing £5 each on the voyage.

“ The convicts have changes of garments weekly, one shirt and a pair of trowsers being marked with the letter A above the numeral, and the others with the letter B, the individual wearing A shirt and trowsers one week and B shirt and trowsers the next. They are all mustered in the prison every fine evening, with their shoes and stockings off

and trousers rolled over their knees, to see that their persons are clean—as many of them would not wash during the voyage if not compelled. During the warm weather the half of them bathe every morning, and on Sunday they are all mustered to hear the church-service read on the quarter-deck—the guard being kept under arms during the time.

“Thirty-three soldiers compose the guard (under command of a commissioned officer), who do duty in three alternate watches upon the poop or quarter-deck—a sentry with a drawn cutlass guarding the small doors in the barricade across the upper deck dividing them from the convicts.

“No instance has been known of a convict-ship being captured by the convicts, nor indeed is such a thing possible with anything like ordinary precaution; as, being so treacherous to each other, abundance of them are always ready enough to inform. The *Jane Shore* was taken by the soldiers and sailors conjointly—women convicts only being on board, by whom they were instigated. (The mutineers shot the captain and chief-mate, and carried the ship into Monte Video). The establishment of an effective police amongst themselves will always check any attempts at combination. The petty officers must be composed of thieves of the highest repute for the number and nature of their offences, inasmuch as these are most likely to keep down the others. The veteran thief assumes the same sort of lofty port and high-toned consequence over the juniors of the *profession* that the veteran warrior of fifty campaigns does over the raw bumpkin of yesterday; and what he cannot force those tyros to do by bullying, he will exact from them that sort of willing obedience which the more unsophisticated in every calling are ready to pay to those distinguished therein.

"The old thieves are besides actually more *trustworthy* than the young, as, seeing the die is cast with them, and that it is only by adhering to those who have power, they can hope to improve their condition, they deem it best to adopt at last the hackneyed motto, 'Honesty is the best policy;' and while making the best overseers and constables, they also usually make the most trusty servants; for although they may rob you themselves they take special care that nobody else shall; whereas the young thieves are constantly made the dupes of their elders. They have a sort of spurious law among themselves, the most important article of which is 'never steal yourself when you can persuade another to steal for you;' the young thieves are as generally found to be the *perpetrators* as the old thieves are to be the *planners* of robbery. It is a good booty alone that will make a cunning old rogue *crook his finger*; whereas the sprightly young bantam will peck at every barleycorn which his senior points out.

"A man being estimated in this kind of society according to the amount and adroitness of his villainies, it is no wonder that the yet 'mute inglorious' Barringtons of the day should crown themselves occasionally with the paws appertaining to other brows, or boast of robberies committed only in their imagination, in order to elevate themselves to something like a par with more dignified culprits. Almost all their conversation is of the larcenous kind—consisting of details of their various robberies, and the singular adventures they have passed through; but generally one half of these are either sheer invention, or dressed up in such a way as to show off in the most flattering point of view before the eyes of their associates. A raw yokel (countryman) was once complained of to me by one of his messmates for robbing him of a dollar, which a rogue in an adjoining berth saw him

purloin, it being stated at the time that this aspirant had been making his boast among his associates of being such an expert thief that he would be able to live like a gentleman when he reached Botany Bay, by his dexterity in the *cross-trade*. On taking the boaster to task he stoutly denied the robbery, protesting he had never committed a crime but the one he was convicted of, and that he was determined never to commit another. When I reminded him of his bravadoes, 'Oh, Sir,' said he, 'we boast of many robberies that we never committed, for if we could not say we had committed as many as those *townies* (Londoners) they would look upon us with contempt.' The cat-o'-nine-tail scars upon the backs of some of these doughty heroes are often vaunted of with the same sort of pride that an old campaigner will display when pointing to his Waterloo medal; while, being dignified with the titles borne by other 'great captains of the age,' no wonder they are proud. I had the honour of conducting out Blucher on my first voyage, and Bonaparte on my second—the one being as expert a burglar as ever handled a jemmy, while the other in the science of pocket-picking might have vied even with Barrington himself.

"Many by picking up a little information foist themselves upon the others as men of some note, but sooner or later they are found out, stripped of their Jackdaw plumage, and singled for the remainder of the voyage as the butts of the satirical society around them.

"A pretender of this description had during half the passage imposed himself upon his associates as a *true man*, till one who suspected the fellow stole his bag from under his head one night by way of a test—when his loud shouts for the sentry to secure the *marauder* raised such a peal of laughter against him, that the shallow rogue soon perceived the trap

he had fallen into ! In one of the slang journals of the period, which I afterwards perused, the writer, in relating the above circumstance, ended with this significant remark—"We were all deceived in Toby!" nothing, in fact, being a surer sign of *true game*, than raising a *squeak* about any theft whatever. Another false magician, who had long imposed upon the gang, forfeited his reputation by pilfering nearly the whole of the tea belonging to the sick, and wearing *evident signs of guilt* in his countenance next morning.

"The fellow that attempts to humbug the rest by pretensions to honesty had better hang himself at once. He is esteemed if he can impose thus upon the officers of the ship ; but to attempt to foist himself off upon his comrades is an offence never passed over by them. The best way, in fact, for a fellow of small note in the larcenous line to maintain a sort of respectable footing, is to keep strictly his own counsel, when he may acquire the reputation of being a 'deep file' without having the smallest pretensions thereto."

Mr. Cunningham then proceeds further to illustrate the characters and describe the conduct of the men on board. He says:—The perfect command of countenance and profound tact which the higher graduates display when accused of offences baffle description. They have at times almost persuaded him that he was mistaken in things which he had actually seen them doing. They would manifest the deepest sorrow or the utmost astonishment at being accused, and yet would laugh to their comrades over the ease with which they had 'gammoned' the overseer. If they suspected any one of 'mosing' (informing) they would conceal some of their own things in his bag, complain of their loss and tell their suspicions, and upon successful search being made would hold up their comrade as unworthy of credit in the

future. But the most common method of treating a suspected informer was to visit him with every petty annoyance—spitting when passing to windward of him; taking advantage of a roll of the ship to stamp, as if by accident, on his feet; or tumbling against him to give him a break-neck fall upon the deck: and, if all these were not sufficient, muffling him in a blanket and beating him, when it could be conveniently done without detection. A gang of such desperadoes once attempted to bite off the nose and ears of one poor fellow who had merely complained of their annoyances. As it was after dark that most of the mischief ensued a check upon assaults and plundering was devised in the shape of a lamp kept burning in the prison during the night, with sentries over it, and ordering that not a word should be uttered after 10 o'clock. It was Mr. Cunningham's plan to select all the influential rogues among the host on board, tell them what sort of character he had with them, and that he had determined to keep them in double irons during the voyage, but was willing to give them a trial, although if any outrage occurred on board he would hold them responsible until the real delinquent was discovered. This rule he found to operate beneficially. He encouraged all sorts of frolic among the convicts, holding that it was better that a little devilry should be allowed to spout out of them now and then than that they should nurse it until it burst forth *en masse* at the end of the voyage. Thus some of the *literary* characters wrote slang journals of proceedings during the passage; while sometimes plays were enacted, with a screen of blankets for a drop scene, remnants of stolen toggerie as wardrobes, and soot, chalk, red paint, and flake white being used to polish off the complexion. 'Sometimes, too,' says he, 'they hold regular old Bailey

sessions, and try individuals in exquisite mock-heroic style. A friend of mine, who had the heavy charge of 372, happening to be a little short-sighted, glided disrespectfully one day into the very middle of the court, with his hat on; and no doubt felt most awkward on finding himself in such offensive trim in the awful presence of the Chief Justice of England, perched upon a three-legged stool, with a bed under him for a cushion, a patch-work quilt around him for a robe, and a huge swab combed over his dignified head and shoulders in lieu of a wig. Barristers, with blankets around them for gowns, pleaded eloquently the causes they were engaged in, brow-beating and cross-questioning the witnesses according to the best-laid-down rules, and chicanery of law; while the culprit stood quaking in the dock surrounded by the traps of office, awed by the terrific frowns which the indignant judge every now and then cast upon him, when the evidence bore hard upon the case.

"Towards the conclusion of my first voyage I desired one of the scribes on board to make out an alphabetical list of the names, trades, and various particulars of the other convicts; when he came to me afterwards in a doubtful mood scratching his head, and observing, 'When I asked what their trades are all the answer I can get from three-fourths of them is, "A thief, a thief;" shall I put these down as labourers, sir?'

As an evidence of the care taken to conceal the name of their family, and the excuses they sometimes made to their friends for their sudden departure from the country, Mr. Cunningham says that his hospital-man wrote thus to his mother—"You will be rejoiced to hear that I am in a good position at last, after all the pain my misconduct has given you, which shall never be the case again. I have been

appointed to the lucrative position of doctor's mate of the Recovery East Indiaman, now bound on a voyage to that country; and as it is my intention to settle in one of the distant colonies, you need not expect me in England for many years to come!" He says that the Irish convicts were more happy and contented than the English, and sent most amusing letters to their friends declaring that they were never better off in their lives, and laying particular stress on the important fact that each of them had a blanket and bed "to his own self entirely." On account of the glowing descriptions sent home by some of these men to their criminal friends not a few of the latter courted transportation to a country where prosperity was so easily won. "The only real signs of religion among convicts I ever saw," he continues, 'were amongst a portion of the Catholics on board; for as soon as they had mustered down, both hatchways were crowded round with them counting their beads and fervently crossing themselves and repeating their prayers from the book.'

The English convicts divided themselves into the two great classes of townies and yokels, while the Irish divided themselves into three—the "Cork boys," the "Dublin boys," and the "North boys," the latter being commonly called Scotchmen by the others, and many speaking the Scotch dialect so broadly as to almost puzzle even a Scotchman to unravel it. The hypocrisy of the more advanced criminals, who sought by devoutness under the eye of the officials to win favour, was most marked, and the keenest men have been "taken in" by them until an internal quarrel led to a disclosure of the interested mockery indulged in. On his first voyage he could only find one rogue at first in the batch of a hundred and eighty-eight,

all but that one declaring their innocence of the crime for which they had been convicted ; but as the voyage progressed they began to open upon each other, and he confessed that before the end of the voyage he had discovered that no juries had ever made fewer mistakes. Designations of individual character had among the convict on board a very different meaning to that attached thereto in lowest society. A good fellow was one who divided fairly with his companion whatever he thieved in partnership, and who never confessed a theft or gave evidence against an associate. A clever fellow was a bang-up, bold, thorough-going knave, an able "actor of all work;" while a great scoundrel was one who acknowledged his crime or informed upon his partner. One of the convicts on board was a yokel in the last stages of consumption, and when the vessel was anchored at Sydney no time was lost in conveying him ashore, he being so weak that he could not sit up without fainting : yet in this pitiable state, supporting himself round the hospital-man's neck, while the latter was drawing on his trousers for him, the expiring wretch mustered strength enough to stretch out his pale trembling hand towards the other's waistcoat pocket, and pick it of a pocket-comb and penknife. The ruling passion was strong in death, for next morning the man was a corpse.

"Transportation," says Mr. Cunningham, "was formerly no punishment to those who had friends in the colony, or money to procure them, such individuals being soon applied for by their gratuitous or purchased acquaintances, who, though nominally their masters, left them in a manner at liberty to do as they liked. Several who went with me were so metamorphosed in a few days after they landed that in their white top boots and fancy vestments, I

had some difficulty in recognising my old shipmates. While walking in the vicinity of Sydney in 1822, I encountered a genteel-dressed man leading a pretty child in one hand and swinging about a handsome cane in the other, with a bunch of massy seals dangling at his fob, who stared as hard at me as I did at him—each having some recollection of the other; till at last I remembered his working his passage home as a sailor only the year previous in the ship wherein I had returned to England, with the view, as he had told me, of ‘lifting a legacy.’ He had, in fact, ‘lifted the legacy;’ been tried, convicted, and transported for it; and arrived thus in the colony again, nearly as soon as I (although only twenty months away) with some sixty golden guineas in his pocket, to boast of as the reward of his short trip.

“Some who had friends in New South Wales doing well would in olden times procure themselves to be transported by way of having a free passage, in order to join them. Several went out with me on these very terms, and among them one merry youth of two-and twenty, whose father had been transported while he was a child in arms, and a brother at a later period. This brother had followed the fortunes of the father by special invitation, to assist him in the cultivation of the farm; and the youngster I speak of was therefore the second son induced to entitle himself to a seven-year’s trip to Botany. On our arrival the elder brother came alongside, and introduced the younger brother and the father (who were of course utter strangers) to each other! ‘When may we expect Jim?’ was the question put immediately after the preliminary congratulations; Jim being a cousin who had long promised the colony a speedy visit, as I learnt from the younger brother.”

It must not be forgotten that many of these living cargoes were made up of women; and many boys and girls, mere children, were included. And the fearful orgies which took place on some of the vessels bearing female convicts cannot possibly be described. A few extracts from contemporaneous writers will best serve to faintly outline the ghastly transactions. "The captain and each officer," says Captain Bertram, writing in 1806, "enjoy the right of selection. Thus they continue the habit of concubinage until the convicts arrive at Sydney town. Each sailor and soldier is allowed to attach himself to one of the females." The same writer tells us that should any of the women refuse to be "selected," consent was won by scourging, and the lash was applied without unnecessary ceremony. One of the vessels brought out as many as 226 women, and the voyage extended over fifteen months! The record does not say whether the delay was caused by foul weather or by still more foul proceedings on the part of the soldiers and sailors who were supposed to work the ship.

"Every convict ship," writes one early historian, "carries out a herd of females of all ages, and of every gradation in vice, from the veriest troll to the fine madam who displayed her attractions in the theatres. All who can, carry with them the whole paraphernalia of the toilet, with trunks and boxes stuffed with every kind of female dress and decoration that they can come at." The women had freedom at fixed periods of the day on deck, and mixed indiscriminately in their "boxes" during the rest of the time, the more accomplished in vice bending their whole energies to the work of destroying whatever remains of modesty and womanliness their younger and more innocent companions may have possessed. Of the more abandoned

portion of the women, this writer says :—" Their language, disgusting even when heard by profligate men, would pollute the eyes cast upon it in writing. Their open and shameless vices must not be told. Their fierce and untameable audacity would not be believed. . . . Were the veil raised, and the appalling spectacle exhibited as it really is, the picture would be too horrid for affrighted humanity to look upon." These were not the women who felt the shame and the horror of the situation to which they had been doomed ; but the poor creatures whose offences had been slight, who had been torn away from respectable surroundings, and who could lay claim to greater sensitiveness than some high-born ladies. There were many of these amongst the female convicts—poor girls, whose poverty may have driven them to commit some petty theft ; and upon these the voyage out served either as a means to absolute moral degradation or as an instrument of death.

Some of the female convicts on the voyage out were subjected to most brutal treatment. Here is an extract concerning one of the transport vessels, " The Friendship " which came out in 1818, having 101 female convicts on board, 19 free passengers, and 65 children. : " On the 22nd September at night the ship anchored on the coast of Africa, and the next morning the cable parted from the anchor, and the ship was in great danger of being driven upon the breakers, which were very nigh. On the 15th October the " Friendship " arrived at St. Helena, where she remained for one week. From the 12th July to 15th October, there had been no means used by the master and surgeon to prevent an improper intercourse between the sailors and the female convicts ; all were at full liberty to act in this respect as their inclinations led them ; this caused universal insubordination

and confusion in the ship. On the 14th January, after a long, tedious, and painful passage, the *Friendship* arrived at Port Jackson. The conduct of the surgeon and master during the whole passage was very bad; they seldom spoke to any of the convicts without oaths, their treatment of the convicts and others was truly distressing; little or no attention was paid to cleanliness, no vice restrained, excepting in the latter part of the voyage. On our arrival at St. Helena the names of the female convicts were called over, and from that time they were locked down at night between decks. The passengers and convicts suffered much from want of water, though there was plenty on board. The quantity allowed to a grown person was about three pints for the 24 hours, for all purposes of cooking, &c., and half that quantity for a child under 13 years old. This quantity was not more than half enough in the hot weather, and the children suffered very much on this account. The canisters of fresh meat, of veal, mutton and beef, were eat principally at the captain's table, and the offals sent to the sick prisoners in lieu. From the whole the prisoners and passengers suffered greatly from the unfeeling conduct of the master and surgeon, who are both very profane men, possessed of little humanity."

This was the report of a passenger, John Gyles, Missionary to the South Seas. One of the women on this ship, named Jane Brown, met an untimely death through the severity of the captain. She had a quarrel with one of her fellow-prisoners, and was selected by the Captain for punishment, the other offender being let off. She told the captain and surgeon that if she was punished she would throw herself into the sea. A wooden collar was put about her neck, which she wore the whole of that day; but in the

night she got the collar off. Next day the captain observed this, and after tearing her bonnet and shawl off, with many oaths, said he would put another collar on. The woman repeated that she would throw herself overboard if he did. He ordered the collar and advanced towards her, when she at once jumped over and was drowned. This happened off the Cape of Good Hope.

A resident of the colony in 1818 furnishes the following account:—"Two or three years ago a ship arrived with female convicts, and many of them, according to custom, were sent up to Parramatta, where I reside. On my first interview with them they informed me how they had been treated on board. I selected two of the women as domestic servants for my own family. Both of these women had received a superior education. The offence for which one of them had been transported was small in a moral, though great in a political sense; she assisted a prisoner of war, an officer of rank in the French navy, to make his escape, though he was apprehended afterwards. This woman lived in my family until she was married, and has now a good name of her own. She was strictly honest and well behaved at all times. The other woman is married also. These women informed me, as well as others of their shipmates, that they were subject to every insult from the master of the ship, and the sailors; that the master stript several of them and publicly whipped them; that the master beat one of the women that lived with me with a rope with his own hands till she was bruised in her arms, breasts, and other parts of her body. I am certain, from her general good conduct since she arrived to the present day, she could not have merited any cruelty from him. They further stated that they were almost famished for want of water. In addition to the

insults they were subject to on board, the youngest and handsomest of the women were selected from the other convicts and sent on board, by order of the master, the King's ships which were at that time in the fleet, for the vilest purpose; both of my servants were of that number. One of them told me that when in bed she received an order from the captain to come on deck, which order she was obliged to obey, when she was put into a boat with others and sent off to the King's ships. This was not the only time they were sent during the passage. They further informed me that they were promised £30, but none of which was received; and it was also said that rope and canvas had been given as the wages of iniquity.

The ship for the women convicts was fitted up in the same way as for the men, excepting the addition of tables and shelves upon which to iron their clothes and stow away their tea-ware. No guard of soldiers was required, and consequently there was no bulk-head across the upper deck in midships. Their rations were the same as those served to the men, with the addition of tea and sugar, for the service of which a kettle was supplied to each mess and a tin-pot to each female, tea being usually made each night and morning. Cunningham used to allow them to draw their oatmeal as they required it, and they would take their gruel for supper with the utmost relish, while they would turn up their genteel noses at the same mess, formerly cooked for them under the vulgar sea-epithet of bargou—so much was there in the magic of a name. More accommodation was generally allowed for the women than for the men, the usual number of convict-women proceeding out in one vessel seldom exceeding ninety. A separate compartment was usually fitted up in the ship in the later voyages for the accommodation of the free

women (with their children), coming out to join their husbands who were convicts in the colony—a certain number being annually forwarded in this way by the Government to those husbands who behaved well and could support them. A similar mode of management was adopted with the women as with the men, a certain number of respectable old matrons from Magdalen Asylums and venerable *pave* peripatetics being appointed to superintend the manners and morals of their sisters during the voyage, and to see the prison kept in tidy trim, none except influentials of this description being capable of managing the unruly throng.

The women were more quarrelsome and more difficult to control than the men, their tempers being more excitable, and a good deal being calculated on by them in respect to the usual leniency shewn their sex. They were more abandoned in their expressions, too, when excited; but this, adds Cunningham, probably arose not so much from greater profligacy of disposition as from their having less control over their passions and their tongues. In the earlier voyages they lived promiscuously with the seamen on the passage out, and the voyage was certainly then brought to a close much more harmoniously than later, for the outward rules of decency were not grossly outraged in the intercourse. Speaking of this matter Cunningham says:—

“All reformations to be lasting must be gradual, for whatever is suddenly done is liable to be as suddenly undone; and by bridling in their long-indulged inclinations by sheer brute force, you produce no moral regeneration, but rather engender an accumulation of vice which will break out with overwhelming impetus when restraint is taken off. By being suffered to live in concubinage with the sailors during the voyage, they became initiated in the moral principle of moral

attachment, unknown to them before. The great evil of such an arrangement was, that the sailors often married them at the end of the voyage; when Jack, as soon as tired of the 'happy state,' would take to ship again, and leave his spouse to the exercise of her own free will and meditations, while the number of females transported being so few, in comparison to the men, the former ought certainly to be made *preserves* of, to furnish wives for the latter. The truly pitiable surgeon who has hitherto endeavoured strictly to enforce the orders of the navy board on this head during the voyage (to keep the females separate) has certainly most justly entitled himself to the full honour of Catholic canonization on his landing. And as regards the crew themselves, really poor Jack is planted in a perfect garden of temptation, when among probably a hundred of such fair seducers, and is more an object of pity than wrath. To see twenty wicked fingers beckoning to him, and twenty wicked eyes winking at him, at one and the same time, no wonder his virtue should sometimes experience a fall. A very ingenious plan, however, (persevered in from the commencement of the interdictory system until reported to the navy board) afforded free scope to these amorous flirtations. The swains first gained over the Arguses in charge of the hospital; forced up the piece of board nailed over the coal-hatch, which being under a bed-place was completely hidden from view; then, entering the prison, 'puffed out the rush light,' and continued their tête-à-tête with the 'fair penitents' until the inquisitive eye of day began to blink in upon them."

The female convicts were generally on the best of terms with each other, and in speaking of each other they invariably made use of the term *ladies*, which they did more in sober earnest than in jest; and whenever the 'frail body' was

summoned to attend for their rations, the call was "Ladies, come up for your biscuit; ladies, come up for your pork; ladies, the puddings are ready," and so forth; yet, while affecting this gentility as a body, when particularising each other it was plain Poll, Kate, or Sall. Dancing was allowed several times a week in the evenings throughout the voyage and singing was kept up every night for an hour or two before bedtime, while occasionally concerts and masquerades were allowed, at which latter, dressed out in their gayest plumage, they would prolong the frolic till bedtime. Some of the cabin passengers would now and again go down into the prison to listen to the singing, which was charming in its variety if in nothing else.

Among the ancient dames sent out was one described by Cunningham as a most trustworthy creature, who abominated a lie so thoroughly that all the others were afraid to commit any misdeed in her presence, knowing old Nanny would disclose instantly the "whole truth and nothing but the truth" if questioned. She was 70 years of age, and had spent forty years of her life in houses of correction and prison. The man with whom she had lived, and whose name she bore, was the last hung in chains on Pennenden Heath, for highway robbery. She was a noted London thief and delighted in narrating how successfully she had "done" an hospital physician in London. Being ill with a cough and wheezing, she proceeded with a letter of admission to the hospital, when the examining physician, having looked at her tongue and felt her pulse, was called momentarily away, leaving the gold watch he had been counting the pulse with upon the table. The sight of such a gem ticking at a tempting distance before her, made Nanny's very finger ends tingle, and operated upon her wheezing like a dose of the

‘Gilead’—so, hastily snatching it up, she glided with light and nimble foot out of the door, and had a *thimble of ruin* on credit of her prize in ten minutes after the “trump had turned up.”

As a body, the women were not given to pretensions to devoutness, like the men. The Bibles with which the females were supplied were taken good care of during the voyage; but as they knew that these would be mustered at the end of the voyage, this consciousness might have had some effect, for the greater portion of the religious tracts which were promiscuously distributed disappeared; and in what way, was satisfactorily demonstrated by shreds of them being picked up after a *coterie* of these nymphs had been *unpapering their curls*.

Under the best regulations and the most favoured circumstances, each voyage had its horrors, the passage from start to finish being associated with misery and wretchedness, if not attended with death. How many of those who left the shores of England for the new land during the fifty years the voyages continued will never be known. Only the sharks who fattened on the spoils kept count, and they have never yet revealed the secret.

The greatest mortality amongst the convicts occurred on the voyage of the Second Fleet, which was formed of ten transports. On board these ten vessels there had been embarked in England 1,695 male and 68 female prisoners, of whom no fewer than 194 males and four females died on the passage out; and such was the state of debility in which the survivors landed in the colony, that 114 males and two females died in the colonial Hospital within six months of their landing. Of 122 male convicts also, who had arrived per “The Queen,” from Ireland, in the year 1791, there

were only fifty alive in the month of May, 1793, and their death was looked upon as a positive blessing to the colony, which was then in a state of absolute starvation. Referring to this matter, Colonel Collins wrote :—" Had not such numbers died, both on the passage and since the landing of those who survived the voyage, we should not at this moment have had anything to receive from the public stores ; thus strangely did we derive a benefit from the miseries of our fellow creatures."

It is a relief to learn that the mortality in the earlier years was great beyond all comparison with that of the later years of transportation. For some time previous to the discontinuance of transportation to the colony the average mortality was not greater than two or three deaths for each vessel during the passage out ; and there were instances of vessels arriving from England without having had a single death during the voyage. I have already stated that the mortality in great measure was due to the greed of the ship-owners who had contracted with the British Government to carry out the convicts at so much per head ; and great abuses were practised as long as this system of transportation was continued. It was clearly shewn at an inquiry instituted in the colony at the suggestion of Captain Parker, of H.M.S. *Gorgon*, that many of the convicts had been literally starved to death in the holds of the transports, the captains having cut short the allowance stipulated by Government for their sustenance, in order to save expense, the accumulation of a few sixpences being of far greater importance in their eyes than the lives of a great many convicts. At this period the shipowners received £17/7/6 for each convict embarked, and the greater the number that died the greater the profits made by them out of the voyage. In 1816 a Parliamentary return

was printed by order of the House of Commons, containing an "Account of the Number of Convicts who have died on their passage to New South Wales since the year 1810." From this return it appeared that of 19 ships, on board of which 3,379 convicts had been embarked, there was one ship only in which no death had occurred during the voyage; four in which the deaths were one in each; five in which the deaths were two in each; two in which there were in each three deaths: three in which there had been four deaths; one in which there had been five; one in which there had been ten; one in which there had been thirty-four deaths out of three hundred convicts; and one, The Surrey, in which there had been as many as thirty-six deaths out of two hundred convicts. In the last-named vessel a malignant fever had prevailed during the passage, and the captain, first and second officers, and several of the crew found a common grave in the sea with the convicts who had fallen victims to the bad treatment of their custodians.

CHAPTER VIII.—AFTER LANDING.

MEASURING THE CARGO—DEBARKATION—INSPECTION—LOCATING THE PRISONERS—THE GANGS—ACCOMMODATING MAGISTRATES—THE FEMALE CONVICTS—ON THE MARCH—THE DEARTH OF FEMALES—THEIR DISTRIBUTION—A PECULIAR DOCTRINE.

AS soon as the convict vessel reached its place of destination, a report was made by the surgeon-superintendent to the Governor, who appointed a day for the Colonial Secretary, or his deputy, to go on board to muster the convicts and hear their complaints, if they had any to make. Each of the men was then asked his name, the time and place of his trial, his sentence, native place, and

trade or occupation. His exact height was then taken and carefully registered, with a general description for identification at any future time—the colour of his eyes, hair, complexion, and any marks upon his body being carefully set down. Inquiries were next made concerning his conduct during the voyage, and other information sought in order that the nature of the employment for which he was best fitted could be determined. A day was then appointed for the debarkation of the convicts, and at the time fixed they were all supplied with new clothing, landed, and marched to the gaol yard, where they were drawn up in line for the Governor's inspection, his Excellency being attended on such occasions by the captain of the transports, the surgeon-superintendent, the chief-engineer, and the superintendent of convicts. The latter, when all was ready, read out from a list previously prepared the destination of each man—if to the use of the Government, to which department; and if to private assignment, to whose service. Cases have been known of prisoners being allowed to go at large immediately upon arrival, the influence of friends in England having operated upon the officers of Justice at the Antipodes. It was in the gaol yard that the convicts went through the process of "branding," all their clothes being daubed over with P.B.'s and broad arrows, in black and red paint.

The work of inspection being finished, the Governor usually addressed the prisoners, urging them to embrace the opportunities for reform placed within their reach in this new country. Governors Macquarie and Bourke, next to Phillip, appear to have taken more interest in this work than any of the others, and they were careful to impress upon the minds of the convicts the fact that in their new sphere the past would be forgotten, and that they had their future in their

own hands; but they were also plainly told that only by good behaviour could they win indulgence or secure any mitigation of their sentences. The prisoners were then marched off, in charge of constables, to enter upon the duties which were either to make them or spoil them for the remainder of their lives. Those who were destined for service in the interior were usually sent by water to Parramatta, and thence sent on to the districts in which resided the masters who had applied for their services, being temporarily lodged in the gaols of the settlements through which they had to pass *en route*. The remainder were either retained by the Government or sent to the penal settlements.

In the earlier day the supply of convicts so much exceeded the demand in the colony for their services by the few settlers, that the Government used to grant certain indulgences to those settlers who were willing to maintain convicts. Subsequently the demand exceeded the supply, and the obtaining convict laborers became a matter of favour, abuses in the distribution causing not a few complaints from those who were less influential "at court" than their fellows.

Upon the arrival of a transport general orders were issued for returns of the number of men wanted, with the land held in cultivation by each settler applying for convicts to be assigned to them; but there was nothing like fairness in the distribution at any time. The artificers were in general reserved for the service of the Government, with as many of the others as might be wanted. Persons who had been in a higher situation in life had tickets-of-leave granted to them at once, by which they were at liberty to provide for themselves, and were exempt from all compulsory labour. Similar tickets were given to men unused to active

employment, such as goldsmiths and others ; the remainder were distributed amongst the settlers as servants and labourers.

The convicts retained in the service of the Government were divided into gangs. Every gang had an overseer, and every two or three gangs a superintendent, these being generally chosen from the best conducted of the convicts themselves. The regulations were that they should work from 6 in the morning till 3 in the afternoon, the remainder of the day being allowed to them for amusement or profitable labour for themselves ; but there was greater breach than observance of this rule on the outer gangs. Great suffering was caused on two or three occasions through the absence of food and clothing, the authorities having neglected to send a full supply, and the poor wretches had to put up with empty stomachs and bare backs, feeling content if but allowed to keep a whole skin on the latter.

If they misconducted themselves at work the convicts were supposed to be taken before a magistrate, no superintendent having power to personally inflict punishment. The sitting magistrate for the week in Sydney could order a punishment of 25 lashes, but a regular Bench, which consisted of at least three, could order as many as 300. In the outer settlements during the " teens " of the colony a single magistrate had the same power as the full Bench at Sydney ; but the Governor was always *supposed* to know and approve before any extra heavy punishment was inflicted.

The gaol gangs had to work in irons on some public work, their hours being from 6 in the morning till 6 at night, and the rest of the time locked up.

The convicts distributed amongst the settlers were clothed, supported and lodged by them, and their manner

and hours of work were diversified. The master had no power of corporal punishment over his assigned servant: even though he were a magistrate he was forced to apply to some other magistrate to order punishment. But in those days magistrates were very accommodating. It wasn't a case of "You scratch my back and I'll scratch yours;" but "You order 100 for my servant's back and I'll order 100 for yours." The Select Committee in 1812 recommended a large extension of the assignment system, rightly judging that life on a farm, or with a family, was far more likely to lead to reformation than life in the gangs of Sydney. But life under the rule of a private master did not always turn out to be all "beer and skittles," as will be seen further on. Some of the benefits of the "family" system, which the Committee were disposed to think resulted from assignment were, however, lost in cases of men of large influence with large farms, obtained as grants, for one man has been known to have had as many as eighty convicts assigned to him, and thus under his control. And the reader will not forget that for many years the Government supplied, not only the land and labour without cost to the recipient, but the means of working the one and clothing the other, also free of cost. But this part of the subject will be more fully treated when the Assignment system is being dealt with in subsequent chapters.

The female convicts, in the earlier days, were marched from the ship to the penitentiaries, but, later on, arrangements were made by which they could proceed at once from the ship to private service. As early as 1819 it was the custom for an advertisement to be inserted in the *Sydney Gazette*, the only paper published at that time, intimating that a certain ship with female convicts had arrived, and that married men

or householders requiring domestic servants could attend on a certain day and "take their choice."

In the later batches the women, after being mustered on board, at the termination of the voyage, were sent up by water to the Parramatta factory and assigned to service by the Council, every encouragement being given to marriage. Writing on this subject Cunningham says:—"Mewing these veterans in vice up in a factory when such a disparity of sexes exists among us (this was in 1824, when the female did not amount to one eighth of the male population) not only tends to materially affect the advancement of population in our young community, but gives rise to the most abominable crimes, while manifestly tending to the seduction and prostitution of our young colonial females, who may be justly said to be sacrificed to the fanciful speculation of preserving an ideal morality among our depraved English importations. . . . The love-matches among this portion of our population certainly often savour not a little of the romance of olden time. Not a few of our factory fair have been wooed and won by a sort of telegraphic courtship, carried on by means of hand and handkerchief signals from a commanding eminence over-looking the domicile of these nymphs, the most puzzling point for the love-born swain being that of finding out the name of his pledged bride, in order to obtain her release from the police bench for the consummation of their nuptials. Not a few happy matches have resulted, too, from the tender attachments formed within the love-inspiring walls of the lock-up house; nay, it is even asserted that such have taken place when the sentimental couple were in course of initiating 'revolutionary principles' at Cubit's *peripatetic* seminary (tread-mill). A twelvemonth scarce has passed, indeed, since a rich and

amorous Sydney youth, with the bloom of fifty-six summers on his checks, was linked in love's dear bands with one of our pretty penitents, from whose eyes he first drank in the sweet infection while his 'fairest of the fair' was performing penance in the public stocks on a market-day (with her gown-tail drawn over her head), for dabbling too deeply in strong waters on the previous evening."

At this time, owing to the dearth of women, there was always an eager competition among lowly swains for every vacant hand that presented itself. It is said that widows were scarcely permitted to give their mourning weeds a second day's sunning before they were again entangled in another matrimonial web. There is a record bearing on this point. A buxom washerwoman hurriedly begged audience of her master one evening and solicited an advance of two dollars to enable her to get married in the morning. "Married!" exclaimed the master; "why, you told me only three days ago that you had a husband in England." "So I did, sir," sighed the fair, "but I have received a letter since acquainting me that he has suffered." "*Suffered!*" re-echoed the master, dropping his voice in tenderness, "dear me, what has he suffered?" "He has been *hanged*, sir," whimpered the petitioner; and clinking the dollars into her pocket, she tripped out of doors to solace her widowed heart with the joys of a second husband.

In the distribution of the female convicts great abuses prevailed for many years. The women were indiscriminately given to such of the inhabitants as demanded them, and were received rather as prostitutes than as servants; and so far from being induced to reform themselves, the disgraceful manner in which they were disposed of operated as an encouragement to general depravity of manners.

Upon the arrival of Governor Bligh it was shewn that two-thirds of the children annually born within the colony were illegitimate; but after the first twenty years the report was that marriages were becoming more frequent, and prostitution less prevalent. Governor Macquarie received orders from the Home Government "to keep the female convicts separate till they can be properly distributed among the inhabitants, in such manner as they may best derive the advantages of industry and good character."


In 1810 Governor Macquarie recommended that as many male convicts should be sent out as possible, as the prosperity of the country largely depended on their numbers; while, on the contrary, female convicts were as great a drawback as the others were beneficial. But the Select Committee of the House of Commons could not see this, and reported as follows:—"They are aware that the women sent out are of the most abandoned description, and that in many instances they are likely to whet and encourage the vices of the men, whilst but a small proportion will make any step towards reformation; but yet, with all their vices, such women as these were the *mothers of a great part of the inhabitants now existing in the colony, and from this stock only can a reasonable hope be held out of rapid increase to the population*; upon which increase, here, as in all infant colonies, its growing prosperity in great measure depends. Let it be remembered, too, how much misery and vice are likely to prevail in a society in which the women bear no proportion to the men. In the colony at present the number of men compared to that of women is as 2 to 1; to this, in great measure, the prevalence of prostitution is reasonably to be attributed; but increase that proportion, and the temptation to abandoned vices will also be increased, and the hopes of establishing feelings of decency and morality

amongst the lower classes will be still further removed. The supply of women to the colony must, however, be naturally diminished by the proposed system of employing convicts in Penitentiary Houses; and your Committee think this an additional reason for affording increased facilities to the wives of male convicts, who may wish to accompany or follow their husbands to New South Wales. This permission is now seldom granted, and that only to the wives of men transported for life or for 14 years. It is, however, the most eligible way of providing the colony with women, and one which may with very great advantage be extended."

In this last particular the committee took a wise view of the situation, and not a few substantial families—substantial in more than one sense—were afterwards built up from the re-union of man and wife, the latter as a free woman being "sent for," and having come, secured the husband as an "assigned servant." Queer conditions of family life, certainly; but better that, for both husband and wife and children, than no family life at all! I must refrain from even a passing remark upon the idea of the Committee of building up prosperity by the "rapid increase of population," the mothers being "women of the most abandoned description," sent out from England as irreclaimable. In the present day the idea appears so outrageous in its novelty that the bare thought of it almost takes one's breath away, and he is afraid to search for illustrations shewing the operation of the scheme. England's loss in this case was certainly not gain to New South Wales.

CHAPTER IX.—THE ASSIGNMENT SYSTEM.

ITS INTRODUCTION — CONVICT FREEMASONRY — TRICKERY OF MECHANICS—UNEQUAL PUNISHMENTS—WHITE SLAVERY—THE “LEASING” SYSTEM — FORAGING EXPEDITIONS — SETTLER CONVICTS — MR. BIGGS’ REPORT — GOVERNOR BOURKE’S AMENDMENTS—FULL REGULATIONS—FREE USE OF THE LASH.

HE assignment system, under which convicts were distributed amongst the free or freed population, was established at an early date, during Governor Hunter’s administration, and it was not long before the prisoners generally understood that assignment to private persons was a much preferable fate to being retained by Government or sent to public labour.

The system was brought to its highest point of development during Governor Macquarie’s reign, that gentleman having bent his energies to the wide distribution of the population, bond as well as free, through the country which was then so rapidly being opened up for settlement. The newly-arrived prisoners had not been many hours within the Sydney Heads before they knew that there was a choice open for them, and they shaped their conduct accordingly. A sort of freemasonry appeared to exist between convicts of a certain “school,” and the new arrivals from the parent establishment sixteen thousand miles away were soon discovered by former graduates who had crossed the sea before them and become “located” in the new land. The general means of communication between the shore and the convict ships was through the Government

boat's crews, who were themselves servants assigned to one or other of the harbour officials; and these men acted the part of "telegraphs" between new arrivals and any acquaintances they might have on shore, so that wives who had just come out could communicate with their husbands, or those who should have been their husbands, and old associates were brought together. Boats manned by convicts, either in private or public employment, hovered about a prison ship from the time of her arrival until she had discharged the last of her living cargo. Every effort was made to avoid being sent to public labour, for which there was a great demand during Macquarie's time, when stonemasons, bricklayers, carpenters, and other mechanics were religiously "kept in government" and employed upon the public buildings which Macquarie had such a craze for erecting. These "telegraphs" were not slow in acquainting new arrivals with the true state of affairs, and the result was that they all professed ignorance of any handicraft connected with the building art. The Government at last ordered that any prisoner who was discovered to have concealed his trade should be severely punished, and as the chief engineer in Sydney and the superintendent of convicts kept a close watch upon the prisoners in private assignment, for the purpose of discovering if they possessed any knowledge or skill in the desired direction, many of the mechanics were sooner or later discovered and at once removed from the service of the master to whom they had been assigned, and sent to swell the number of the Government gangs.

One writer on this subject says:—"There can be no doubt that the want of skilled labour for private enterprise was such that most of the free settlers and emancipist employers willingly afforded assistance to prisoners to evade

the regulations. The great demand for skilled labour and its almost entire absorption by the Government, were indeed productive of the worst results; favoritism, bribery, and petty scheming were fostered; the most bare-faced falsehood on the part of both master and servant was frequently resorted to; and at the same time private enterprise was checked and hampered in a most deplorable manner. It likewise often happened that convicts who had relatives or friends in Sydney procured themselves to be assigned to them by professing a knowledge of the particular trade or pursuit (if not connected with building) in which they were engaged, and in some cases even considerable sums of money—the fruits probably of former crimes—were paid by prisoners to influential parties to induce them to apply for them as assigned servants. The assignment was, of course, in such cases merely nominal; and if the application was successful, as in fact it generally was, the convict was thenceforth almost as free from interference and control as if he had landed in the colony a free man.

“This inequality of punishment—these premiums held out to craft and cunning—were amongst the worst features of the transportation system. The country mechanic or labourer, transported perhaps for some share in a poaching affray, but comparatively innocent in heart, unsophisticated in character and unknown to the criminal class, was generally doomed to the heaviest toil; while the successful city swindler, forger, or pickpocket managed, with the help of money or the assistance of former friends or associates who had preceded him in his enforced exile, not only to escape the just penalty of his offences, but to enter upon a new stage of existence, where labour was better paid and life much more easily supported than in the country from which he had been

banished. Whatever its benefits to particular convicts, or even to the colony at large in developing its resources, the system of private assignment was fertile in the production of plans of petty scheming, craft, and evasion; as well as frightfully unequal in its operation on the prisoners." The frightful inequalities here referred to will receive full illustration before this part of the subject has been exhausted.

Whether the "place" obtained by a convict was favorable to good living or the reverse depended entirely upon the character of the person to whom he was assigned. In distributing the prisoners among private employers no account was taken of their rank as criminals; a "lifer," who had been guilty of murder stood an equal chance of an easy life with the poor wretch who had got seven years for stealing a loaf of bread for his starving children, or the man convicted of some political offence. Those who were acquainted with light in-door trades, such as tailoring or shoemaking, generally fell into comfortable quarters; they could not be employed on public works or as farm labourers, and were as a rule applied for by the "understrappers" in the Government service, such as overseers, clerks, and other of the fry who assumed gentility if they had it not. These men had no use for tailors or shoemakers in their offices or homes, but they made money out of them, nevertheless. They would permit the men to undertake work for others on their own account, conditional upon the payment of a sum ranging from 5/- upwards per week. The men either hired themselves for wages or set up in business on their own account being always careful, of course, to give their master the weekly sum agreed upon; and they would gladly have paid much larger amounts for the privilege of enjoying the freedom thus purchased. It has been stated that in some cases

convicts who were possessed of money on their arrival, and who managed to get some suitable person to apply for them as assigned servants, bought up the masters' interest in their labours at once, the masters agreeing to forego all future claims and merely exercise a nominal control over them in order to keep up appearances. The men here referred to were looked upon with a very jealous eye by their fellow convicts who were condemned to heavy manual labour under Government or masters who had lands to cultivate or buildings to erect.

One very bad feature of the assignment system was that established during the days when the military were all powerful—namely, the practice of assigning servants to magistrates and other officers under Government in part payment of their salaries. One magistrate would sometimes have as many as eight convicts assigned to him in virtue of his office, quite irrespective of the number to which he was entitled as a settler under the regulations; and these servants were rationed exclusively from the public store, as though they were in Government employ, and as the magistrates or other officials were permitted to let these "Government servants" out on hire, they were able to add to their income to no inconsiderable extent. The ration of a single individual was estimated at about £15 per year, and as it was not required to feed the man, who was working for wages elsewhere, it was either sold by the master or devoted to the purpose of feeding the other servants who had been assigned to him as a private settler; and the money thus made or saved, added to that which the convict paid for the privilege of hiring himself out, amounted to about £40 a year. This amount multiplied by 6 or 8, will give the reader a pretty correct idea of the sort of salary which these masters were

enabled to draw annually. Referring to this practice, and the incentives to crime which it furnished, one writer says :—
“The direct interest which a master had under such circumstances in shielding his men from punishment for their offences acted as a strong encouragement to crime. The prisoners knew that if detected they had little to fear, because it was their masters’ interest that they should escape. They knew that if flogged or imprisoned he would be the loser, and therefore felt assured that he would exert himself to prevent it. They were also aware that as long as they regularly brought him the weekly amount agreed upon he would not be inclined to look too narrowly into the means by which it was obtained.” The reader will not be surprised to learn that during the period when this practice prevailed magistrates were amongst the largest employers of the labour furnished by the Government.

But the evil was not concentrated in the magisterial office, for the under-superintendents, overseers, and clerks in charge of Government gangs, seventy per cent. of whom had been, or were at the time, convicts themselves, were “salaried” in the same way. They regularly drew the rations of the men assigned to them, which they sold to the settlers, and allowed the men to hire themselves out or “do for themselves,” provided they handed over a fair proportion of the money they earned or “made.” This phase of the assignment system formed the subject of high Departmental inquiry in 1821, and a Parliamentary paper was issued containing the following statements :—

“The manner in which the overseers are remunerated has appeared to every one capable of forming a judgement of its effects to be highly objectionable ; it consists in the allowance of a ration and a half, and the assignment of one or more

convicts, who are in most cases victualled by Government, and who in return for the exemption that is allowed to them from all control, and the pursuit of any occupation, engage to pay their overseer a sum amounting to five shillings per week, if they allowed the overseer to draw their ration, and ten shillings per week in case they draw it themselves. The effects produced by this arrangement on the convicts at their first distribution has already been observed, and its continuance is no less injurious to the system of discipline than to the parties whom it is intended to remunerate. The assigned convict becomes in many instances responsible to a person who is in no higher condition than himself, many of the overseers being themselves convicts. The selection of the assigned convicts being left principally to the overseer, it is made with reference to the means of payment possessed by them, and not to their character or conduct; hence it has happened that the most guilty individuals have enjoyed all the privileges that were declared to belong exclusively to good conduct, and that they have purchased them with money instead of gaining them by long servitude.

“The majority of the assigned convicts consists of mechanics, who are enabled by their industry to fulfil their engagement to their overseer as long as their labour is in demand; and they are protected from arrest by being furnished with passes signed by the superintendent, as a special protection in the districts to which they may resort; but if the demand for their labour or industry should fail, or what more frequently occurs, if the profits they may derive from it be spent in luxury and excess, the weekly payment to the overseer falls into arrear, and he is compelled to apply either to the magistrate for punishment, or to the principal superintendant for the assignment of another convict; again,

if the employer of the assigned convict fails in paying his wages, the overseer is not only a loser, but the convict is returned to the service of Government, by which a certain amount of punishment is inflicted upon him for the default of another."

In not a few cases, and especially at posts some distance from the seat of authority, the overseers and their walking "salaries" have been known to plot and execute foraging expeditions, under which the moveable possessions of settlers in the bush have been made to suddenly disappear, and bushrangers have received the credit of the acts of plunder. The system brought forth its natural fruit. The overseers lost both inclination and power to make the gangs under their control do a reasonable amount of work, and it was declared that the labour of one free man would equal that of three of the prisoners employed on public works. Hence arose the colonialism, "Government stroke."

When the assignment system was introduced the colony was in a state bordering upon stagnation; Private enterprise was only just beginning to manifest itself in fitful throbbings, and the number of convicts on the hands of the Government was far greater than the few public works then being carried on could absorb; and as the prisoners were a source of constantly increasing trouble and expense to the Government weighty inducements were held out to the settlers and others to enlarge their borders and extend their operations, the services of the convicts being placed at their disposal without payment. The few settlers who had brought a little capital to the colony made such rapid headway by means of the liberal grants of land and stock made by the Government, and the cheap labour placed at their command, that others of the same class soon found their way over the water from

England and India, and after a time the demand for the services of the convicts began to exceed the supply, and the order of things was reversed. The Government had no longer to hold out inducements to the settlers to take the convicts "off the store," but were in a position to dictate terms and enforce regulations concerning the food, clothing and work of the human cattle handed over to them. This was good for the convicts, if not for the Government, for up to this time they had been treated with the utmost harshness by the masters to whom they had been assigned as unskilled labourers, and who used the lash indiscriminately as the best means of extracting a larger amount of work from those who had been handed over to them. In January, 1804, a general order was issued by Governor King requiring all persons who applied for convicts to sign an indenture to clothe and maintain those who might be assigned to them for a period of twelve months, the quantity and kind of food and clothing being specified. In return for this they were empowered to extract from each convict assigned to them a certain amount of work, the hours of daily labour being fixed at ten, although if a man could perform a specified daily task in less than ten hours he was allowed to hire himself out for the remainder of the time, the master having a preferential right to his extra services, if he thought fit to pay therefor, at a rate per hour fixed by the Government.

The condition of the convicts who were assigned to masters living in remote parts of the country was in many cases little better than that of slaves, and if the employer happened to possess a large "estate," under the superintendence of overseers who were themselves convicts, their position was hard in the extreme, for these overseers were sometimes as brutal as they were unprincipled, and being far

removed from any Court of Justice they indulged their cruel inclinations to the full, the unfortunate victims having no means of redress or relief. Hundreds of the men who "took to the bush," as the phrase went, did so from no other motive than to escape from the tortures to which they were subjected at the hands of these brutal under-masters.

The men who were assigned to masters of the less wealthy class were infinitely the best off, for the master acted as his own superintendent and lived on the farm with his family and his two or three, or perhaps six servants. Regard for the members of his own household impelled him to preserve among his servants something like decency, and there was an atmosphere of decency about the smaller farms which had no existence on the larger ones, where the men were herded together like pigs to luxuriate in their own filth. Under kind treatment and fairly good living many of the convicts assigned to this middle class of settlers became reformed and useful members of society; while, on the other hand ill-treatment called into play all the worst passions of the men whose lives were made a misery to them, and if they could not revenge themselves directly upon the master they did so indirectly by instructing his children in every kind of vice, sowing seeds in the youthful mind which soon sprang up to bear most bitter fruit.

Some of the settlers who had been convicts themselves, and who had been placed upon the land by Governor Macquarie after their sentences had expired, proved masters of the very worst type. Many of them were criminals of the lowest rank, and had neither means nor inclination to work the land given to them. Being anxious to give them full opportunity of reform the Governor lent them cattle from the public herds, kept them in rations from the public store, and

allowed them to have one or more assigned servants as labourers. As may be imagined, there was no improvement on the establishments formed after such fashion. Master and servant, being kindred spirits, fraternised in evil—living in the same hut, eating together, and together drinking from the same rum bottle. The rations from the store were soon exhausted, the farm was sold, and the erstwhile “farmer” became a roving vagabond, a curse to the district in which he lived.

The following extract from Commissioner Bigg's report will shew how this sort of thing operated. He says:—“The employment of convicts in the service of the lower classes of settlers who cannot afford to pay them anything beyond their rations, or to stimulate or reward their industry by paying for the extra labour, is very pernicious. The convict is thus allowed to leave his home in pursuit of labour that he cannot find there, and he is out of reach even of the imperfect control of his necessitous master. Governor Macquarie has endeavoured to restrain this practice by several orders; and in some of the districts, chiefly occupied by the lower class of settlers, the magistrates have lately found it necessary to enforce their execution, both by exacting the fine imposed by those orders, and by removing the convict labourers from the control of those settlers who could not furnish them with employment. The great inconvenience and interruption that complaints against these servants occasion to the settlers, and the risk to which they are exposed in leaving their property to seek redress from the magistrates, is severely felt by all the inhabitants of the colony: some of them, especially those who had themselves been convicts, feel a degree of commendable reluctance in making a complaint against a convict labourer for mere

incapacity, and would rather submit to the unrequited expense of his maintenance than be the cause of the infliction of unmerited punishment. This feeling is in some degree attributable to a sympathy with that condition which was once their own, and is not corrected until they acquire property, and a disposition to improve and augment it. Others, influenced by less humane considerations, or by a dislike of the trouble of complaining, allow the convict to seek employment where he can find it, or leave him in the towns, where he is apprehended. He is in these cases sent to gaol, where he receives an allowance of one pound of bread a day, until he is taken by another settler; and if he should be sent to Sydney or Parramatta, he is placed in one of the Government gangs. By this means his incapacity for agricultural labour is not removed, and his disposition and habits of indolence are in most cases confirmed."

In one sense the most difficult class of convicts to deal with were those who had occupied superior positions of life in the old country—the men with no trade, and who were as devoid of the rough physical strength necessary to ordinary bush work as they were devoid of mechanical skill. None of the settlers were agreeable to feed and clothe such "long-coated gentry," as they were called, knowing that the work they could get out of them in return would not compensate them. They were also useless for employment upon Government works, and large as was the staff of clerks in the Government service, it was not nearly large enough to allow of the absorption of the full stream of "better class" criminals that was constantly pouring into the colony—for be it known that not a few of the "swell mob" of old England were among the "patriots" who crossed the sea. Especially was this the case in Macquarie's time, and that kind-hearted,

though vain, Governor experienced great difficulty in disposing of them. Those of them who had means—and not a few brought with them considerable capital—became ticket-of-leave men very shortly after their arrival, the Governor no doubt thinking that the Government stores should not be placed under contribution for the keep of men who could not work, and who were in a position to support themselves. As dealers and traders these men flourished, and some of them rose to considerable affluence, although they were always looked upon with disfavour by the other convicts, who were compelled to labour hard on Government works or under private masters before they could secure a ticket that would enable them to “do for themselves.”

Mr. Biggs thus refers to these men and Macquarie's method of dealing with them ;—“The system of granting tickets-of-leave to these convicts on their arrival too quickly and abruptly, elevates them from a condition of punishment to a state of comparative enjoyment. There are many instances in Sydney of the successful exertion of these people as retail traders ; but their success feeds their vanity as well as their vices, and they speedily lose that sense of humility and contrition which is essential to a state of punishment and reform. Another evil arising from it is the state of comparative equality in which it places them with that part of the population which came free into the colony ; and with those who, having been sent as convicts at a period when similar indulgences were not so freely granted, feel surprise, and some degree of mortification, when they see them bestowed upon persons who, in their opinions, have done nothing to deserve them. But it must be acknowledged that there is some difficulty in disposing of those convicts who have been in the higher situations of life, and to whose attainments

some respect is naturally paid even in a state of punishment." But it was not in the "twenties" only that leniency was shewn to soft-handed criminals. The sentences of the Criminal courts of the present enlightened age are sometimes made to shape to a point of lightness in the case of criminals of "superior position" not at all consistent with justice.

It is almost impossible to generalize the conditions of the convicts under the assignment system and the relation they bore to their masters, for the regulations were as varied as the method of their observance was irregular, and no single description could be made to answer for the whole. The reader will, therefore, pardon the unavoidable disjointedness of this portion of the narrative, and overlook apparent discrepancies and repetitions.

The favoritism shewn to the "pure merinos" who were well-affected towards the existing Government in the matter of the assignment of convicts, was a notorious circumstance of the reigns of the Governors between Phillip and Bourke. The Governor, by Act of Parliament, had the sole disposal and control of the convicts, and in a community where likes and hatreds were peculiarly strong, it is not surprising that the friends of those in power should have the choice of servants and secure the best articles in the Gubernatorial market. Those in the town would have assigned to them the only good cooks or gardeners available, while the country friends would have a miniature manufacturing township on their estates, getting hold of the shoemakers, blacksmiths, carpenters, masons, and mechanics of any class; while those without influence would have to put up with such servants as they could get out of the unskilled crowd. Sir. R. Bourke reduced assignment to a simple and fairly just system, and, abandoning his prerogative, gave to a board of commissioners

the power to distribute convict labour, regulations being formed for their guidance, and which in their faithful observance gave something like equality to the apportionment, priority of application and the requirements of the applicants receiving attention. Of course, the favoured few of the old *regime* could not see any justice in such a method: monopolists never did and never will recognise the rights of others to a share of that which they have come by long habit to look upon as peculiarly and exclusively their own. To these men Governor Bourke appeared as a meddling fellow, who did not fully understand the true principles of nepotism. And this Governor further offended some of the more powerful masters by the readiness with which he set about correcting some of the abuses under which the convicts suffered. Until his time assigned servants could not reckon as one of their belongings the right of petition, but they soon learned that any petition sent to him would receive his personal attention. An unscrupulous master could, by magnifying some trifling fault, prevent a good servant from obtaining his ticket, and thus prolong the poor fellow's servitude. Governor Bourke saw the evil, and at once applied corrective measures. He investigated these cases, and the knowledge that he did so was a great protection to the servants and a check upon the masters. The notorious white slave-driver of Patrick's Plains (Mudie) wrote to his Excellency seeking to deter him from receiving petitions from convicts; but Bourke, adverting to this letter, in writing to Judge Therry, shewed his firmness in the right by saying: "To this I need hardly tell you I will never consent. I should indeed be an unworthy representative of majesty if I refused to receive a petition from a man in bonds."

The full portrait of this Legree the Second will be given

further on, and after glancing at it, the reader will not feel in the least degree surprised that he should seek to debar the convicts from any privilege, however slight.

The regulations for rations, clothing, &c., for assigned servants, were subject to occasional alteration, but the following, which operated between 1830 and 1840, may be taken as a fair sample of the supply in the best regulation days.

RATIONS.—The weekly ration consisted of—12lbs. wheat or 9lbs. seconds flour; or, in lieu thereof, at the discretion of the master, 3½lbs. maize meal and 9lbs. wheat, or 7lbs. seconds flour and 7lbs. beef or mutton, or 4½lbs. salt pork, 2 ozs. salt, 2-ozs. soap. Any articles which the master might supply beyond those specified were considered as indulgencies, and likely to be discontinued at any time.

CLOTHING.—The clothing to which assigned servants were entitled annually consisted of two frocks or jackets, three shirts, two pairs of trousers, three pairs of shoes, one hat or cap, and these were to be issued as follows:—On 1st May in each year—One woollen jacket, of Parramatta or strong English cloth; one pair woollen trousers, ditto; one shirt, one pair shoes, one hat or cap. On 1st August—One shirt, one pair shoes. On 1st November—One woollen or duck jacket, one pair woollen or duck trousers, as best suited the age or state of health of the man during the summer season; one shirt, one pair shoes. The shirts were supposed to be of strong linen or cotton, and the shoes of stout and durable leather. Each man had also to be kept constantly supplied with at least one good blanket and palliasse or wool matrass, which were considered to be the property of the master.

When Governor Macquarie arrived the weekly ration allowed by law to each assigned prisoner was 7lbs. beef or

4lbs. pork, and 8lbs. of wheat; but this was generally regarded as insufficient, and Macquarie issued an order in 1820 in which this ration was spoken of as "inadequate to the support of a man." But many of the employers allowed more than the quantity stipulated in the regulations, and some of them served out tea and sugar, or milk and vegetables to their servants as luxuries. The allowance of wheat had to be ground into flour by the prisoners themselves and this was generally performed by the assigned convicts in their own time by means of portable steel hand-mills, with which the houses of the settlers were supplied. On some of the older stations the remains of these "old grinders" may still be seen amongst the lumber in the yards.

Male assigned convicts were classed under the various heads of field laborers, domestic servants, and mechanics; and the services of the last-named class being of more value than those of the former, two were estimated in assignment as equal to those of two or more field laborers. In the assignment of convicts scarcely any distinction was made either on account of the period of the sentence, or on account of the age, the character, or the nature of the offence; and the previous occupation of a convict generally determined his condition in the colony.

If a convict were a domestic servant before transportation he found ready employment under the assignment system, for if well conducted he was well fed, well clothed, and received wages from £10 to £15 per year under the most favorable conditions with good masters. But it must not be supposed that all the good ones were treated alike; for some of them were treated little better than slaves by those whom they served, and who aspired to rank with the "aristocracy" of the land.

Convicts who were mechanics were also well treated as assigned servants; but they suffered from the hardship of being too much in favour with the authorities, and were generally kept under the thumb of the Government, to do government work. The better the tradesman the less likelihood was there of his obtaining employment under a private master. This was specially the case in Governor Macquarie's time, and mechanics would not confess to being such for fear of the consequences. A blacksmith, carpenter, mason, cooper, or wheelwright was a very valuable servant in a country where skilled labour was scarce, and was eagerly sought after. This was the report of the Select Committee after hearing all the evidence about this class of assigned servants:—"As the mechauc can scarcely be compelled by punishment to exert his skill, it is for the interest of the master to conciliate his convict mechanic in order to induce him to work well; in too many cases this is effected by granting to the skilled convict various indulgences, by paying him wages, by allotting to him task-work, and by permitting him after the performance of his task to work on his own account; and, lastly, by conniving at and overlooking disorderly conduct; for the most skilled mechanics are generally the worst behaved and most drunken."

Dr. Ullathorne's testimony was very much to the point. He says:—"There is another evil resulting from the assignment of mechanics to masters, which is this, that they generally have Monday as a holiday; and indeed the mechanics have their masters very much in their power, and I have seen the masters put to very great perplexity in consequence of the manner in which they have been subject to the power of their men; for instance, the printers are very much in the power of their assigned servants. When I have

had myself printing work to do, and have been anxious to have it done, where an engagement has been made, and it has been understood that the printing should be done at a certain period, I have found that the masters are so much in the power of their men, that they will work when they like or take a great deal of time to themselves. I may observe the same thing with regard to the coachmaker ; he is complaining that he cannot get his work done as he would wish to have it done. Another evil is that these men generally take a leisure day to spend that which they receive as wages ; and in consequence, on the Monday, particularly in Sydney, there was a great deal of drunkenness amongst the assigned servants. And one thing I particularly remarked : There was of course a great deal of quarrelling amongst those men, and they used invariably to come upon Hyde Park, the place of recreation, to decide those quarrels, and until the year 1835 there used to be three or four cases of this kind in the day ; those men used to come to decide their quarrels on Hyde Park every Monday, where brutal fights ensued, and where it was a long time before anybody appeared to disperse them, unless the Catholic clergyman went to disperse them, which was very frequently the case." But some of the mechanics were as good men as they were tradesmen, and not a few of them succeeded in building up for themselves by honest labour both reputation and fortune.

The greater number of assigned convicts were, however, employed as agricultural labourers, shepherds, &c, no fewer than 8000 of them being thus employed in 1835, when the herds and flocks were scattering over the plains in the interior, and the waste places, hitherto unknown, were being made to yield the fruits of husbandry. Their condition was in the main one of considerable hardship, and they were

inferior as a class to either male domestics or mechanics; but they received abundance of food, and many of them drew wages, or tea, sugar, tobacco, spirits, and other indulgences. The measure of their comfort, however, depended upon the character of their masters and the number employed; and whether they had an overseer over them, as in large farms, or were directly under their master, as on small ones. The overseers generally were either ticket-of-leave men or emancipists. They were for the most part men who could not succeed in other occupations, and were as a rule quite unfitted to be charged with the task of regulating others, who were really on a level with them.

The shepherds had a very solitary life of it, and were exposed to more dangers than any other class. Away from the centre and even the boundary of settlement, they literally carried their lives in their hands, and hundreds have fallen prey to the vengeance or murderous propensities of the aborigines. These were the real pioneers of the country. These were the men who reclaimed waste places, and settled the land, while their masters, who received the credit, rested in safety amidst the comforts of whatever civilization existed. The shepherd, like all men who lead solitary lives, was either a very good or a very bad man. Dr. Ullathorne speaks of some of them in the highest terms of praise. Stockmen fared as did the shepherds, but had a somewhat freer life—though by no means less dangerous—and were said to be “the most vicious of all the assigned servants.”

As a class the convicts who were assigned were neither better nor worse than might have been expected. In many cases assignment was the stepping stone to thorough reform; in other cases it was a steep road downwards, leading to the very lowest depth of degradation. Sir. George Arthur,

Governor of Van Dieman's Land, likened the convict to a slave, and described him "as deprived of liberty, exposed to all the caprice of the family to whose service he may happen to be assigned, and subject to the most summary laws. His condition in no respect differs from that of the slave, except that his master cannot apply corporal punishment by his own hands, or those of his overseer, and has a property in him only for a limited period. Idleness and insolence of expression or of looks, anything betraying the insurgent spirit, subject him to the chain-gang or the triangle, or hard labour on the roads."

Governor Bourke designated as a slave code the law which enabled a magistrate, invariably himself a master of convicts, to inflict 50 lashes on a convict for "drunkenness, disobedience of orders, neglect to work, absconding, abusive language to his master or overseer, or any other disorderly or dishonest conduct." For the offences quoted the convict could likewise be punished by imprisonment, solitary confinement, and labour in irons on the roads.

The lash was kept going with great regularity upon the solid soil of the assigned servant backs, as witness the following statistics picked out at random from many:—In 1835 the number of summary convictions in New South Wales amounted to 22,000, although the number of convicts in the colony did not then exceed 28,000. In *one month* in 1833, no less than 247 convicts were flogged and *nine thousand seven hundred and eighty-four lashes* inflicted, which would give for the year 2,964 floggings, and above 108,000 lashes inflicted, chiefly for insolence, insubordination, and neglect of work. In Van Dieman's Land, where the law was even more severe, in 1834 there were 15,000 convicts; the summary convictions amounted to 15,000, and the number of lashes inflicted to

50,000. Concerning flogging, Rev. Dr. Ullathorne said—
“The effect of the scourge is exceedingly bad on the men; the man after that becomes altogether worthless, and there is a feeling of degradation about him. that, even among the prisoners themselves, he has lost cast; and generally in such cases the degradation will be felt much more by a better man than it would by a worse man; the punishment is much more severe upon the better convict than upon the worse; and, again, it is far more severe upon the first infliction than it is afterwards; for after the first infliction the feeling of degradation begins to be lost, a man's pride gets up, and he hardens himself to the infliction, whilst he makes his boast among his comrades as to the amount of infliction he can endure; and, I believe, though you will find many men amongst them that have not been flogged, you will be astonished at the number that have been flogged once, and have been flogged twice. When a man goes through a scourging once, he generally goes through several scourgings. I recollect hearing of a man who had been but three years in the colony, and who had received 1600 lashes.”

It was true that if a convict were ill-treated he could complain of his master, and if he substantiated his charge, the master was deprived of his services; but in order to do this, the convict must go before a bench, first obtaining a pass from his master, and this bench might be 100 miles distant, and was composed of magistrates, themselves owners of convict labour; so it [may be imagined that legal redress was rarely sought for, and still more rarely obtained by the slave servant against the master, who himself perhaps had been a convict in the earlier days.

How could it be expected, under circumstances such as these, that the moral tone of the assigned servants should be

highly refined? The wonder is that it was not worse than it really was, and in all conscience it was bad enough. Some horrible stories have been told concerning them—stories which the writer would not dare to repeat, even if he had the inclination.

Occasionally instances occurred of remarkable devotion on the part of convicts to their masters, but in every case those masters were humane, fair-dealing men. At the time this is being written there is living in the Bathurst district a man who crossed the mountains as an assigned servant in 1822. His master treated him kindly from the first, and received in return most faithful service; and when that master died, no mourner more sincere followed his remains to the grave than this man was. Sixty-six years have passed since he first crossed the mountains, and the old man may still be seen in his place upon the estate—spending his last days in ease and contentment with the son of the master whom he so faithfully served.

Another illustration of the good fortune which sometimes attended the better class of masters in the assignment of servants is related by Judge Therry:—"The case of good fortune was that of a settler whose name for the *nonce* shall be Fox. To him was assigned a servant named Edward Cane, transported from Ireland for an agrarian disturbance. He had been a snug farmer at home, and abroad became invaluable as a superintendent of his master's estate. From his skill in agriculture, and his good temper in the management of men, Cane, after having served his seven years' sentence in Fox's employment, became manager of his whole property, receiving a liberal salary, which was paid, not in money, but in cattle and horse stock. After twenty years of service he thus became a wealthy man. He died in the same

service into which he first entered as an assigned servant. Shortly before his death his master had born unto him a son. Cane was complimented by being appointed godfather to the boy. The old man made a will bequeathing the whole of his property, the accumulated earnings of twenty years and upwards of arduous toil, to the lucky little bantling, who is now the leading gentleman in his district. The stock bequeathed to him greatly increased during his long minority, and on coming of age the fortunate grandson found himself one of the most extensive stockowners in New South Wales."

Sir Richard Bourke won the highest admiration from those whose hearts were not beyond feeling, by his humane and prudent policy towards the convicts generally. At the period of his arrival there were four separate Acts of Council relating to summary process and punishment of convicts, which Acts were full of errors and contradictions, leaving an open door for the passing of illegal sentences. Bourke saw the necessity for amendment of the existing law, and set to work in earnest to stop the legalised injustice which it encouraged. He prepared a new Act, which repealed the other four, and consolidated and simplified the law so as to make it serve the wisest purpose—securing labour under equitable conditions, and the progressive reformation of the convicts. As previously stated, the Act prepared by him defined the law; abolished magisterial parlour courts, and established petty sessions under public observation; encouraged convicts to amend their ways, and restricted the excessive and capricious use of the lash.

Such instances of kindness on the part of masters, however, were very rare indeed; and they only serve to shew out more clearly by contrast the general harshness and oppression in which the masters indulged during the whole

time the assignment system had life. It operated in all its hideousness until between 1838 and 1840, when orders for its discontinuance were received from the home authorities, the cessation of transportation and the in pouring of free immigrants rendering a change necessary. Under its operation New South Wales became one of the largest slave plantations the world has ever seen, the form of slavery being more degrading than that existing anywhere the wide world over in times either ancient or modern. I have only lightly touched some of the worst features of the system; they will not bear probing in public—the rottenness and corruption that would be revealed would be too offensive to look upon. “It would have been far more merciful,” says one writer who moved amongst the scenes which he described, “to have hanged all who violated the laws of their country, than to have sent them out to New South Wales, subject to the unmerciful treatment of human tigers, who tortured or killed those within their power according to the caprice of the moment. I saw many a fine man die in misery, inch by inch, from the oppression he experienced—the most cruel of all deaths.” For over fifty years New South Wales was one vast charnel house!

The following extract from regulations issued by the Governor in 1829, and to which document were attached the signatures “William Dumaresq, James Busby, E. Deas Thompson,” will serve to shew how the increasing business was transacted:—

“As an aversion to honest industry and labour has been the chief cause of most of the convicts incurring the penalties of the law, they shall be employed at some species of labour of an uniform kind, which they cannot evade, and by which

they will have an opportunity of becoming habituated to regular employment.

“With this view, all labour of a complex nature, the quantity of which cannot be easily determined, is to be studiously avoided, and the convicts are to be employed exclusively in agricultural operations, when the public buildings or other works of the settlement do not absolutely require their labour.

“In these operations the use of the hoe and spade shall be as much as possible adopted; and where the number of men who can be employed in agriculture is sufficient to raise food for the settlement with these implements, the use of the plough shall be given up; and no working cattle are to be employed in operations which can be effected by men and hand-carts.

“No Sugar or Tobacco or other article which might be used by the Convicts as a luxury, and which might offer an inducement to plunder, is to be cultivated at the penal Settlements. The principal articles to be cultivated are Wheat and Maize, to such an extent as to allow of exportation if necessary.

“A monthly medical inspection is to be made of the whole of the Convicts on the Settlement by the medical officer in charge, who will make a report to the Commandant of their general state of health.

“The Commandant is vested with the control of every department on the Settlement; every person, whether free or bond, being subject to his orders.

“All trafficking and trading between free and bond on the Settlement shall be strictly prohibited and severely punished.

“The convicts under colonial sentence shall be steadily and constantly employed at hard labour from sunrise to

sunset, one hour being allowed for breakfast and one hour for dinner during the winter six months, but two hours will be allotted for dinner during the summer.

"The convicts shall be worked in field labour with the hoe and spade in gangs, not fewer than fifteen, nor more than twenty. No task work shall be allowed. There shall be an overseer attached to each gang, and to every five gangs a constable, who shall assist the overseers in the superintendence of the men.

"The constables and overseers are not to strike or push the convicts, and no punishment is to be inflicted but by the express order of the commandant.

"As a reward of and encouragement to good conduct, the prisoners shall be divided into two classes, to be called the first and second classes respectively. No prisoner shall be admitted into the second class who shall not have served on the settlement for two years, if a prisoner for seven years; for four years, if for fourteen years; and for six years, if for life. But convicts who have been respited from a capital sentence, shall in no case be admitted into this class until, upon the representation of the commandant, their sentences shall have been mitigated by the Governor.

"The prisoners in the first class receive in addition to the ordinary ration, one ounce of tobacco. They are to be employed on the lighter and least laborious operations, and from this class exclusively are men to be drawn for constables and overseers, clerks, or servants to the officers, &c.

"No convict shall be employed as a clerk in the Commandant's office, or have access to any of the records kept there.

"No prisoner transported for life, or for any heinous or atrocious crime, shall be employed in any other way than as a

common labourer. Those prisoners of the first class selected as constables and overseers are allowed the usual distinctive dress, and in addition to their rations 2lbs. flour and 1oz. tobacco per week; but in no case shall any convict in a penal Settlement be allowed to receive pecuniary reward. Two years service as a constable or overseer shall be considered equal to three years' servitude on the Settlement.

"The wife of a convict shall in no case be allowed to join her husband until he shall have been placed in the first class, and the Commandant shall have recommended him for this indulgence.

"The wives and children of convicts shall be allowed rations and slop clothing from the public stores.

"The wives and children of convicts are not to be allowed to convey money or property of any kind to the settlement, nor to possess any live stock or poultry, and they are strictly to be prohibited from carrying on any trade or traffic in the Settlement; but they will be furnished with employment in spinning flax, making straw hats or bonnets, making up slops, and such other work as they may be capable of performing, the materials for which will be supplied from the Government store. They will receive credit in the books of the Settlement, at the market or factory prices, on such work being returned to the stores; and the amount of their earnings shall be annually placed in the Saving Bank at Sydney, to be received by them on their return from the Settlement, as a means of support on their arrival.

"Married convicts whose families have been permitted to join them shall be allowed to live in separate huts.

"If any money or property shall be found in the possession of a convict or the family of a convict it shall be seized and forfeited to the Benevolent Asylum.

“ The labour of the convicts, excepting only those assigned to the officers, shall be wholly and exclusively applied to the service of the Settlement generally, and the indulgence of working on their own account after the usual hours of public labour shall be strictly prohibited.

“ No convict shall be allowed to wear any other clothing than that which is issued to him by the Government, and the *number* of each convict shall be painted on each article of dress, before and behind.

“ A separate barrack is to be provided for female convicts; and if employed in field labour they are to be kept separate from the men.

“ A washing gang from among the female convicts shall be appointed, to wash and mend the clothes and air the blankets and palliasses of the prisoners.

“ The convicts are not to be allowed to possess knives, or any sharp instruments; the knives, forks and spoons are to be under the charge of the Barrack Overseer, and he will be held responsible that they are duly collected from each convict before he is allowed to quit his seat at the mess table. This, however, is not to apply to those married convicts or overseers who shall have been allowed to live in separate huts.

“ The whole of the convicts will be mustered on Sunday morning, arranged in their several gangs, and attended by their respective overseers and constables, when they will be inspected by the Commandant. The wives and families of the convicts will also be required to attend the Sunday morning musters.

“ The prisoners will be mustered daily by the Superintendent of Convicts, at sunrise before they proceed to labour,

when they return to meals, and again when the work for the day is closed.

“No convict shall be allowed to receive or transmit any letter, excepting through the Commandant, who is to exercise his discretion in opening such letters, and perusing their contents.”

CHAPTER X.—TICKETS-OF-LEAVE.

THE SYSTEM IN FULL EXERCISE—HOW IT OPERATED—REGULATIONS SHEWING HOW OBTAINED AND WHAT OBLIGATIONS ATTACHED THERETO—THE PERIODICAL MUSTER—FEMALE HOLDERS — FORM OF APPLICATION — FORM OF PASS — GOVERNOR MACQUARIE'S LIBERALITY—WHERE ARE THEY ALL?

A TICKET-OF-LEAVE was simply a permission to the individual to whom it was granted to employ himself for his own benefit, and to acquire property ; on condition of residing within the district therein specified, and of presenting himself and producing his ticket before the magistrate at the periods prescribed by the regulations. The holder was not allowed to move into another district without the express sanction of the Governor entered on the face of the ticket ; and the ticket was liable to be resumed at any time at the pleasure of the Governor, in which case the holder reverted to the situation of a prisoner of the Crown in every respect.

As the ticket-of-leave system may be said to have found its fullest exercise during Governor Bourke's administration, in 1835, the regulations relating to their issue and holding at that time will serve to shew how that system operated generally.

The first and indispensable qualification for a ticket was the completion of a probationary term of servitude, viz. :—

Four years of a sentence for 7 years.

Six years of a „ for 14 years.

Eight years of a „ for life,

reckoned from the date of employment by Government, or of assignment to private service. In addition to that probation one year was added for every change of service of any male convict appearing to have been occasioned by misconduct. One year was also added for every punishment inflicted on a male convict by colonial sentence, except that to an ironed-gang, or penal settlement, in which case the probation re-commenced from the expiration of the sentence. Notwithstanding this rule, however, magistrates entertaining an application for a ticket-of-leave were not precluded from recommending, at the instance of the master, a remission of the additional probation required, either for change of service or punishment, if they were of opinion that the subsequent good conduct of the applicant had merited the remission.

No strict rules were laid down with regard to the granting of tickets to female convicts, other than those laid down for the males under the original regulation. Magistrates were, however, enjoined to make particular inquiry concerning the eligibility from term of service and good conduct of the applicant, but particularly the manner in which they proposed to maintain themselves while holding the desired indulgence.

Applications for tickets had to be presented personally by the applicant (on a form supplied for that purpose) to the Petty Sessions of the district in which he was employed, on such day or days in every month as the Justices might appoint. One magistrate had power to deal with applications in conformity with the regulations; but no application could be received which was not on the prescribed form and signed by the master or overseer. Blank forms were supplied to the masters, upon demand, and they were required to be constantly provided with forms for the use of their convict servants. Should the master consider the applicant for a ticket underserving the indulgence, he was required to state his opinion in writing to the bench, with the grounds of it, and if he declined to do this the magistrates did not entertain the objection. The application could be made three months before the term of probation had expired, and the master was bound to furnish the applicant with a printed form of application and a pass to the court of Petty Sessions, and further to answer all questions of the court concerning the conduct and claims of the applicant, attending personally for such purpose if required.

If any convict was proved to have knowingly presented an application for a ticket before the time prescribed, or made any false entry of service, either with respect to dates or omitting to enter the several services in which he had been employed, the bench immediately reported the case through the Principal Superintendent of Convicts, and he was punished by one year or more of additional servitude.

The court entertaining the application entered on the form all such particulars relating to the conduct of the applicant, as could be obtained from his present or former masters, and transmitted the document with others prepared

during the month to the Superintendent of Convicts, for the Governor's information, the applications being first copied into a book for that purpose by the clerk, a column being left to enter the decision when obtained. The principal superintendent, on receipt of the application, examined the records of his office for any facts necessary to complete the evidence in favour of or against the claim, and then forwarded the documents, with his report, to be submitted to the Governor. If the application was rejected, additional probation being required, the court of Petty Sessions concerned was immediately apprised of the fact, and through the magistrates the master was informed, and a notice posted inside and outside the court-house.

Any convict whose ticket-of-leave had been cancelled by the Governor, for misconduct, might apply for its restoration, through the master to whom he had been assigned, who forwarded his reasons to the magistrates, and they and the Superintendent reported thereon and sent the documents on to the Governor. Unless in this manner no application could be made for the restoration of a ticket until the convict had served a probation of four years from the date of his ticket being cancelled, when the original regulation could be carried out.

Male convicts holding tickets for the district of Sydney and residing within the town were mustered in the parishes in which they resided, under the inspection of a police-magistrate, on the first day of every month (or the second if the first fell on Sunday), at such place and hour as the magistrate might appoint; and every ticket holder in the town of Sydney leaving his residence for another in the same parish was compelled to notify the fact in writing to the wardsman within twenty-four hours of quitting, and also give

a similar notice to the wardsmen of the parish in which he had taken up his residence—neglect of this regulation entailing immediate cancellation of the ticket. Those living without the town, but in the district for which Sydney was the place of Petty Sessions, were mustered quarterly. Holders of tickets in the country districts were also mustered quarterly at the court house, before a police-magistrate if there were one in that district, or otherwise the Clerk of Petty Sessions under the inspection of a justice of the peace.

Immediately after each muster the magistrates, under whose superintendence it was held, or the clerk of the bench, had to report the names of all absentees to the Principal Superintendent of Convicts for the Governor's information.

Magistrates superintending the muster had liberty to interrogate the ticket-holder respecting his means of subsistence and manner of life, and if not satisfied that he was getting an honest living, he made a special report of the case. If a ticket-holder failed to attend the musters and did not show good cause for non-attendance he was deprived of his ticket; also if he were found at any time beyond the limits of the district for which the ticket had been granted, and without a pass or other authority.

Women holding tickets-of-leave were not required to muster in person, but had to forward a report to the magistrate superintending the muster stating that they held tickets and where they resided. Any omission in the delivery of these reports, or any false statement, rendered the ticket liable to cancellation. Magistrates had power to dispense with these reports, however, in the case of married women whose characters and habits justified a relaxation of this rule.

Holders of tickets shewing reasonable cause could obtain

from the nearest justice of the peace a pass for absenting themselves from the district for a period of not more than 14 days ; but a pass for a longer time had to be granted by the Principal Superintendent of Convicts. Application had also to be made to the Principal Superintendent for the transfer of a ticket from one district to another.

On 19th April, 1849, the last ticket-of-leave regulations were published. They read as follows :—

“All tickets-of-leave are issued for particular districts, named in the ticket-of-leave ; or passports, to enable the holder to remain in the service of masters beyond the boundaries of location.

“Every ticket-of-leave holder is required, within 14 days after his arrival in his district, to report, either personally or in writing, to the Clerk of Petty Sessions of his district, his name and ship, residence, the name of his master or employer, his trade or calling, or his mode of maintaining himself ; and also to do so between the 1st and 14th January in every year. Any ticket-of-leave holder failing to comply with this order will be reported to the Principal Superintendent of Convicts with a view to having his indulgence cancelled.

“If he is on passport he is to make his report to the Commissioner of Crown Lands of the district in which he is employed, instead of the bench.

“He is required to report every change of service or residence in the district within 14 days of its taking place ; and if beyond the boundaries, such change of service can only be made with the authority of the Commissioner first obtained for that purpose.

“Immediately after each muster, the magistrate under whose superintendence it is made will report the names of all absentees to the Principal Superintendent of Convicts, for

the Governor's information, and with a view to the cancellation of the prisoner's ticket.

"The district in which a ticket-of-leave is considered to have effect is the police district named in such ticket, according to the boundaries fixed by the Government.

"The bench of magistrates or the police magistrate of the district, will, whenever they think it necessary, interrogate the holder of a ticket-of-leave, respecting his means of subsistence and manner of life, and if he shall not be satisfied that the ticket-of-leave holder subsists honestly, he will render a special report of the case to the Principal Superintendent of Convicts for the Governor's information.

"No ticket-of-leave holder is to be out of his district without a pass, except in the execution of his duty as a constable.

"Passes to leave the district are to be given only by the the police magistrate, or by two magistrates of the district acting in Petty Sessions, and every such pass must be countersigned by the clerk of the bench.

"Such passes can only be granted for periods not exceeding fourteen days, and no passes can be renewed, nor any new pass granted to the same person until after the expiration of two months from the date of the former one.

"Forms of the passes are obtainable at the police office, upon payment of 2/6 fee.

"Passes for a longer period than 14 days can only be granted by the Principal Superintendent of Convicts, on the application of the ticket-of-leave holder, or his master, through the bench of magistrates in his district.

"The Principal Superintendent of Convicts is the only person who can grant permission to any holder of a ticket-of-leave to change his district; and all applications to him for

that purpose, or for permission to reside beyond the boundaries on passports, must be made through the bench of magistrates of the district in which the ticket-of-leave holder resides, accompanied by a fee of 2/6, and the bench is required to forward such applications, with their remarks thereon, to the Principal Superintendent of Convicts.

“The breach of any of these regulations will subject a ticket-of-leave holder to be deprived of his indulgence, and to be returned to the service of the Government.

“No ticket-of-leave holder for a country district is allowed to be in Sydney without a pass; and any such person found there without authority will have his ticket cancelled, and be immediately removed to Cockatoo Island.

“A ticket-of-leave holder who forfeits his indulgence, from a breach of the regulations, or any other cause, returns to the position of an ordinary prisoner of the Crown, and forfeits all the privileges he possessed while holding his ticket-of-leave, and can be called upon to serve a probation of three years before his indulgence is restored to him.

“The holder of a ticket is liable to be punished summarily by magistrates in petty sessions for the following offences, namely, misdemeanours, pilfering, simple larcenies under £5. Punishment—sentence to irons for six or twelve months. Drunkenness, absconding from district, or when beyond the boundaries from the service for which he holds his passport, or other disorderly or dishonest conduct—the forfeiture of his ticket. In addition to this, as an ordinary prisoner of the Crown, he may be punished for neglect of work, disobedience of orders, or absconding, by 50 lashes, two months to the treadmill, or imprisonment with hard labour, or 14 days' solitary confinement.

“That any convict absconding from district, or the

service of his employer, during the subsistence of his sentence of transportation, shall be liable to be tried in a summary way by the tribunal authorised to take cognizance of such offences, although at the date of his apprehension his original and additional sentences may have expired by effluxion of time, and he will be liable to be punished in the same way as if the period of his original term had not expired.

"All sentences to irons, to the roads, to imprisonment or the treadmill, are cumulative on a prisoner's original sentence, and have to be served in addition to such original term: for example, if a prisoner's sentence is 14 years, and he receives a sentence of 6 months in irons, he will not be free until he has served 14 years and six months from the date of original conviction.

"A ticket-of-leave holder is also subject to the provisions of the Masters' and Servants' Act, by which he may be punished by imprisonment, or forfeiture of wages, for absence from his employer's service, for disobedience, or neglect of orders, or other misconduct in service. Or if he obtains money in advance from an employer and fails to enter his service, or fails to perform his agreement in anyway; for all these offences he is liable to punishment under the above Act, irrespective of any other punishment, as a prisoner, where the offence is of a criminal nature. But under the same Act a ticket-of-leave holder can also compel his employer to perform his part of the contract, in all respects as effectually as if he (the prisoner) were a free man.

"Any ticket-of-leave holder who has held his indulgence with good conduct for three years, certified to by three magistrates, or persons of respectability known to the Government, may apply by petition to the Governor, through the Principal Superintendent of Convicts, for a conditional

pardon ; this indulgence enables the holder to exercise all the rights of a free subject, and to proceed to any part of the world, save Great Britain and Ireland, or if tried out of the United Kingdom, excepting also the place where he was convicted.

“By Act of Parliament it is provided that a convict holding a ticket-of-leave is allowed to acquire and hold personal property, and to maintain an action or suit for the recovery of any personal property, or for any debt due to him, or for any damage or injury sustained by him ; but if he should at any time forfeit his ticket-of-leave, from misconduct, the property acquired by him will become absolutely vested in Her Majesty, and shall be disposed of at the discretion of the Governor of the colony.

“ADDENDA.—Every ticket-of-leave holder is required to hold his indulgence for three consecutive years with good conduct, and to pay into the hands of the Principal Superintendent of Convicts the sum of £15, by yearly instalments of £5 each (on account of the expense of his passage to the colony) before a conditional pardon can be issued to him.

“Any ticket-of-leave holder who has held his ticket for two years with good conduct (which must be certified by three magistrates or persons of respectability known to the Government), and who has paid the sum of £10 on account of his passage money, may apply by petition to the Governor through the principal Superintendent of Convicts for a conditional pardon, and will be recommended home for that indulgence ; but his pardon will not be issued until he has completed three years from the date of his ticket, and has paid into the hands of the Principal Superintendent of Convicts the remaining £5 due for his passage. It being, however, understood that any offence committed by a ticket

holder after he has been recommended to the Secretary of State for a pardon, will render him liable to have that indulgence withheld (on its arrival) for such a time as His Excellency the Governor may see fit."

FORM OF APPLICATION FOR TICKET.

"Statement of the service of John — by Ship —

"Applicant for a Ticket of Leave for the District of —

Applicant's Standing No.....	1 With E— F—, from..... to.....
Date of Arrival.....	2 With F— A—, from..... to.....
Place of Conviction.....	3 With J— K—, from..... to.....
Time.....	4 With L— M—, from..... to.....
Original Sentence.....	5 With N— O—, from..... to.....
Trade or Calling.....	

"Additional claims for particular services performed, viz:—

"I certify that, of Ship, has been in my service from to, and that his conduct during that period has been"

"To the Bench of Magistrates at"

FORM OF PASS.

"Permit A... B..., of ship C... holding a ticket-of-leave No..... for the district of D... (or a ticket of exemption, or my assigned servant, as the case may be) whose description and personal signature are on the other side, to pass from hence to E... for the purpose of (here errand described), and to return direct to this place. This pass to be in force for days and no longer.

"Given at this day of 1831.

F.G.

(Signature of Magistrate.)

"To all whom it may concern."

The description of the bearer was endorsed on the back of the pass, giving name, ship, year of arrival, native place,

trade or calling, age, height, complexion, hair, eyes, and general remarks, and bearing the convicts signature.

The system of granting indulgences to the convicts found its highest exercise during Governor Macquarie's administration. As I have already shewn in "The Story of the Ten Governors," Macquarie was a vain man, and ambitious as he was vain. He discountenanced immigration, contending that the colony was intended for convicts, and by granting indulgences to the good conduct prisoners he sought to promote reformation and preserve something like good order. But his mistaken zeal carried him too far, and in large numbers of cases crime was increased instead of lessened, and evil habits were encouraged rather than corrected by undue leniency. That which is acquired very easily is frequently estimated lightly, and the liberality with which he dispensed tickets-of-leave, conditional pardons, free pardons, and certificates of freedom to all and sundry of the convicts who cared to take the trouble to apply (and it may be taken for granted that very few hesitated to make the request under such circumstances) wrought more evil than good frequently. Every convict who had been fortunate enough to escape a second conviction came to look upon the granting of one or other of the indulgences named as a duty which the Governor owed to him individually, and hence applications poured in by the hundred, until at last the Governor himself grew weary of dispensing the favours.

A ticket-of-leave, as already stated, enabled the holder to go anywhere he chose within a certain district, and to employ himself in whatever way he thought fit to his own advantage. Those persons who had been transported for life were granted conditional pardons if they maintained a good character for ten years; but they could not leave the colony. If they

continued of good character for an additional five years they were entitled to apply for an absolute pardon. Those whose sentences were determined by years—the seven or fourteen years' men—were allowed to apply for conditional pardons when they had served three-fourths of their time. At this time—1818 and 1820—an absolute pardon, when granted, was registered in the Governor's secretary's office, on payment of a fee of 5/- to the principal clerk. It contained a declaration under the hand of the Governor that the unexpired term of transportation was absolutely remitted to the holder, and it was sealed with the seal of the territory. A conditional pardon contained a declaration that the sentence of the holder had been conditionally remitted, the condition being that he should reside within the limits of the colony during the full term of his original sentence, and the breach of this condition exposed the holder to servitude for the remainder of the term of his original sentence. A ticket-of-leave simply contained a declaration of the Governor's pleasure to dispense with the attendance at Government work of the convict holding it, and permission to employ himself in any lawful occupation within a given district for his own advantage. But its continuance depended upon the holder's good behaviour, and the Governor's pleasure. Certificates of freedom attested that the party holding it had served the full term of his sentence and had again become entitled to all the rights of a free subject.

But they were not hard and fast rules upon which Macquarie acted, albeit they were of his own making. He could suspend and set aside as well as create, and he was not slow to do either or both when he saw that the observance of those regulations was likely to interfere with the carrying out of his "bricks and mortar" hobby. Hence he kept

many convicts at hard labour making a road or erecting a public building long after they should have had their liberty; and as a result discontent and insubordination arose among the men. But they could gain nothing by opposition and were compelled to suffer the deprivation as best they could. On three occasions within four years Macquarie suspended the general convict regulations framed by himself in order that large public work which he had planned should be carried out, the best men being kept at work longer than their less skilful and industrious companions, because their services were more valuable.

During Macquarie's rule he granted no less than two thousand five hundred tickets-of-leave, one thousand five hundred conditional pardons, and four hundred free pardons; although he was compelled at one time in self-defence to restrict the issue of the indulgences within very narrow limits. Writing on this subject, Bennett, after mentioning that the Governor during the first year or two of his rule received and granted applications for these indulgences almost daily, says;—"Constant indulgence, however, soon blunted the pleasure of exercising his vice-regal functions; and what had at first been a source of gratification, at length became an almost intolerable nuisance. Macquarie himself was not only prevented by the constant appeals of prisoners from attending to other business, but the settlers were placed at great inconvenience by the frequently recurring absence of their assigned men in journeys to Sydney to present their petitions and applications for his favours. The days on which these requests could be received from prisoners were after a short time limited to once a month, but even this soon became so tiresome and inconvenient, that in 1813 regulations were issued containing new and stringent requirements, and

restricting all such applications to one day in the year, viz., the first Monday in December. This was going from one extreme to the other, and occasioned very serious inconvenience by bringing large numbers of prisoners to Sydney from all parts of the colony at the same time; and was particularly annoying to the farmers, as it often took almost all their men away just at the commencement of the harvest. The practice, nevertheless, was persisted in for several years, and was the occasion of some very remarkable and disorderly scenes taking place in Sydney, and even at Government House itself. An eye-witness gives the following account of what he saw there in 1819:—‘In the year 1813 a regulation took place respecting the application of convicts that they should thenceforth only be made one day in the year, viz., the first Monday in each succeeding month of December. I was once present at Government House on the day on which the petitions were presented. The crowd upon the occasion was very great, and observing their impatience the Governor addressed them and informed them that he would grant no tickets-of-leave to those who had not been three years in the country, nor any other indulgence except in terms of his proclamation of the year 1813. This address produced no effect; and there was great difficulty in preserving order in the presentation of the petitions that were delivered to the Governor; who, on perusing the statements and looking at the certificates, either wrote in pencil on the margin the initial letters of the indulgence that was to be given, or rejected the petitions altogether. The petitions presented on this occasion exceeded 700 in number. They were collected by the major of brigade and two clerks, who, with the superintendent of convicts, were the only other persons present.’”

Vain men are generally erratic, and Governor Macquarie formed no exception to the rule. He was most liberal to prisoners whose crimes had been committed across the sea, no matter how black those crimes had been, but he was severe, sometimes to extremes, in dealing with men who continued criminal in the new country, and who were convicted of offences on this side the water. The doubly convicted prisoners were first flogged and then further punished by being sent to the Coal River, the name then given to the Hunter, on account of the coal mines at its entrance, where they were kept at labour in chains under very stringent rule, in the mines hewing coal, or in the bush burning lime or wood cutting, the rations served out to them being of inferior quality.

Every Governor in his turn dealt out these indulgences with more or less liberality, and in the early days printed pieces of rough parchment bearing the vice-regal signature and the colony's seal were far more numerous than bank notes, or even sheets of ordinary writing paper. What has become of them all? Have the descendants of the holders preserved them as heir-looms; or, viewing them as loathsome reminders of the chains which bound their fathers and mothers—perhaps both—have they cast them in the fire, and put from them all memory of the act? If this last has been the case, who so fond of ghouls as to rake the ashes? Let the dead past lie still, so far as individuals are concerned. Many of the men and women of to-day, whose parents or grand-parents held these indulgences during portions of their life are better citizens than some of the descendents of the men who granted them. He who would cast up to the face of another a father's shame is something infinitely worse than a fool, and should be scorned and spurned by every honest,


upright man. I am dealing with the system simply—not for the sake of satisfying morbid taste or gluttonous curiosity, but in order that the Australian of to-day may see from what horrors he has escaped, and thank God that this fair land has been freed from a thralldom worse than that which ever cursed a heathen people.

There may be something morbid in the taste (who can tell ?) of some of those who have lived through portion of the evil time, and who still retain the “parchment of freedom” that relieved them from the terrors of the lash and the chain. I know of one ancient and respectable dame in the city of Bathurst who has hidden away amongst her little collection of “valuables” a diminutive tin box, in which there lies a small, smoke-ocoloured piece of parchment, almost worn through at the creases, but which is more precious to her than many brand-new bank notes, and with which she would not part for all that you could offer her. No unkindly eye has ever looked upon that parchment since the day it was first folded to be preserved, for it was her “old man’s” passport to freedom in the days when freedom was counted the greatest blessing under heaven—a passport which protected him until he crossed the border of this land of slaves into, let us hope, the pure bliss of that better land, where neither knout, nor irons, nor shame, nor tears, are known.



CHAPTER XI,—CONDITIONAL PARDONS.

RESTORATION OF THE RIGHTS OF FREEDOM—NO POWER TO LEAVE THE COLONY—TWO UNDELIVERED DOCUMENTS—IN BONDAGE WHILE PARDONED.

 CONDITIONAL pardon, when approved by Her Majesty, through the Secretary of State, but not before, restored the rights of freedom from the date of the instrument within the colony; but bestowed no power of leaving the colony, and no right whatever beyond its limits. When once confirmed according to law it could not be revoked, and the holder was equally empowered to pursue his lawful occupation in any part of the country, as if he had never been convicted.

The following are copies of two conditional pardons which came into my possession, the one nearly fifty years and the other forty years after the Governor's signature and the seal of the Territory had been affixed thereto. The words are printed on a sheet of parchment, about 15in. x 12in., and are surmounted by a garish looking British coat of arms. The first reads thus—words printed in italics having been written, the other portion being printed in large type:—

WHEREAS his Late Most Excellent Majesty King George the Third, by a Commission under the Great Seal of Great Britain, bearing Date the Eight Day of November, in the Thirty-first year of His Majesty's reign, was graciously pleased to give and grant full power and authority to the Governor (or in case of his Death or Absence, the Lieutenant-Governor) for the time being of His Majesty's Territory of the Eastern Coast of New South Wales and the Islands thereunto adjacent, by an Instrument or Instruments in Writing, under the Seal of the Government of the said Territory, or as He or They respectively shall think fit or

convenient for His Majesty's Service to Remit, either Absolutely or Conditionally, the whole or any part of the Term or Time for which persons convicted of Felony, Misdemeanour, or other Offences amenable to the Laws of Great Britain, should have been, or should thereafter be respectively Conveyed or Transported to New South Wales, or the Islands thereunto adjacent.

By Virtue of such Power and authority so vested as aforesaid, I *Sir George Gipps, Knight*, Captain-General and Governor-in-Chief of Her Majesty's Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, taking into consideration the good conduct of *Michael C—y*, who arrived in this colony in the ship *Medina*, *Brown* Master, in the year One Thousand Eight Hundred and *Twenty-three*, under sentence of Transportation for *Life*, and whose description is on the back thereof, Do hereby Remit the Remainder of the Term or Time which is yet to come and unexpired of the Original Sentence or Order of Transportation passed on the aforesaid *Michael C—y*, at the Spring Assizes Limerick County, on the day of, One Thousand Eight Hundred and *Twenty-three*.

Provided Always, and on condition, that the said *Michael C—y*, continue to reside within the limits of this Government for and during the space of his Original Sentence or Order of Transportation:—Otherwise the said *Michael C—y*, shall be subject to all the Pains and Penalties of Re-appearing in Great Britain and Ireland, for and during the term of his Original Sentence or Order of Transportation or, as if this Remission had never been granted.

Given under my hand and Seal of the Territory at Government House, Sydney, in New South Wales, this *first* Day of *November*, in the Year of Our Lord One Thousand Eight Hundred and *Thirty-eight*.

GEORGE GIPPS.

By His Excellency's Command—DEAS THOMPSON.

I certify that Her Majesty's Gracious approbation and Allowance of the Above Conditional Pardon, granted to *Michael C—y*, has been signified to me by the Right Honorable the Secretary of State for the Colonies in his Despatch No. 101, dated 26th *July*, 1839.

Given under my Hand at Government House, Sydney, this *Seventeenth* Day of *December*, One Thousand Eight Hundred and *Thirty-nine*.



Entered upon Record, at Page 149 and 150 No. 7 Register, this *First* Day of *January*, One Thousand Eight Hundred and *Forty*.

DEAS THOMPSON.

GEORGE GIPPS.

On the back of this Document was the following "Description :"—

Name—*Micheal C——y.*

Ship—*Medina.*

Master—*Brown.*

Year—1823.

Native Place—*Limerick.*

Trade or Calling—*Laborer.*

Offence— —.

Sentence—*Life.*

Year of Birth—1789

Height—*Five Feet Eleven Inches.*

Complexion—*Sallow.*

Hair—*Dark, Turning to Grey.*

Eyes—*Hazle.*

The progress of National education in those days was seen even in the wording of judicial documents. The one given above was drawn in 1839; but this form was subsequently abandoned, and the Governor following Gipps had the satisfaction of attaching his autograph to a better drawn document.

NEW SOUTH WALES.



CONDITIONAL PARDON.

By His Excellency Sir Charles Augustus FitzRoy, Knight Companion of the Royal Hanoverian Guelphic Order, Captain-General and Governor-in-Chief in and over Her Majesty's Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, &c., &c., &c.

WHEREAS, by an Act of the Imperial Parliament of Great Britain and Ireland, passed in the Sixth Year of the Reign of Her Majesty Queen Victoria, entituled, "*An Act to Amend the Law affecting Transported Convicts, with respect to Pardons and Tickets-of-Leave*," it was, amongst other things enacted, that, after the taking effect of the said recited Act, in any place to which Felons or Offenders had been or might be transported by Law, the Governor or Lieutenant-Governor should, from time to time by an Instrument in Writing, under his Hand, recommend such Felons or other Offenders as he should think fit to be recommended to Her Majesty, for an Absolute or Conditional Pardon; and in case Her Majesty, through one of Her Principal Secretaries of State, signify Her approval of any such recommendation, it should be lawful for the Governor or Lieutenant-Governor to grant an Absolute or Conditional Pardon, pursuant to such instructions as should be sent to him by the Secretary of State, by an Instrument in Writing, under the seal of his Government, which should be deemed from the Day of the Date thereof, to have, within such Place or Places as should be specified in such Pardon, but not elsewhere, the same effect in the Law, to all intents and purposes, as if a General, Absolute, or Conditional Pardon, had passed on that Day, under the Great Seal of the United Kingdom: And Whereas the said recited Act has taken effect in the said Colony of New South Wales: And Whereas *Richard T——r*, whose description is hereunto annexed having been indicted and convicted at *Lincoln Assizes* on the *fourteenth Day of March*, One thousand eight hundred and *twenty-nine*, of the crime of *Highway Robbery*, was, in pursuance of the said conviction, sentenced to Transportation, and was accordingly transported to the

said Colony *for the period of his natural life*: And Whereas, in consideration of the good conduct of the said *Richard T—r*, since his arrival in the Colony, I, SIR CHARLES AUGUSTUS FITZ ROY, as such Governor of New South Wales, recommend the said *Richard T—r*, to Her Majesty for a Pardon, to take effect in all parts of the world, except the United Kingdom of Great Britain and Ireland: And Whereas Her Majesty has been graciously pleased to signify Her approval of such recommendation, through Her Principal Secretary of State for the Colonies: NOW KNOW YE, that I, SIR CHARLES AUGUSTUS FITZ ROY, in pursuance of the Power and Authority so in me vested by the said recited Act, and of Her Majesty's gracious approval so signified, and of the instructions of the said Secretary of State in this behalf, do hereby grant unto the said *Richard T—r*, a Pardon for the Offence in respect of which Sentence of Transportation was passed as aforesaid, which shall take effect in all parts of the world, except the United Kingdom of Great Britain and Ireland: PROVIDED ALWAYS, and it is hereby expressly declared to be a Condition of this Pardon, that if the said *Richard T—r*, shall at any time during the continuance of the term of his said Sentence, go to, or be in, any part of the United Kingdom of Great Britain and Ireland, then this Pardon shall thenceforth be and become wholly void, as by Her Majesty's commands expressly limited and directed: And all Her Majesty's Officers and Ministers of Justice, and all other, Her Majesty's Subjects, are hereby required to take notice accordingly.

IN TESTIMONY WHEREOF, I have caused these Letters to be made Patent, and to be sealed with the Seal of the said Territory.

Given under my Hand at Government House, Sydney, this *twentieth* day of *September*, in the *Thirteenth* year of the Reign of Her Majesty, and in the year of Our Lord One thousand eight hundred and *forty-nine*.

CHARLES A. FITZ ROY.


SEAL

Entered upon Record at pages 465 and 466 Registered No. 38 this *first* day of *October* One Thousand Eight Hundred and *forty-nine*.

In the case of the first-named Convict, *Michael C——y*, a higher Authority than Her Majesty the Queen or Sir George Gipps had authorised his departure from New South Wales, and when the Conditional pardon reached Bathurst he had gone. He died at Kelso, where he had been serving as lock-up Keeper with ease to himself and satisfaction to his superior officers for some time prior to his decease, and the conditional pardon could not follow him. The second convict named, for some reason or other, best known to the authorities, or the man's employer, never saw the document, and lived in servitude for some years after it was in existence, not knowing that his application for a conditional pardon had been granted. He could neither read nor write, and his master valued his services too highly to risk the loss of them by telling his slave that he was practically free. He died as he had lived, in ignorance of a fact which would have made glad his heart.

CHAPTER XII.—THE FEMALE CONVICTS.

DISPARITY OF NUMBERS—ITS RESULTS—THEIR RECEPTION AND DISTRIBUTION—JOINING THEIR HUSBANDS—ENTERING SERVICE—REGULATIONS THEREUNDER—SENT TO THE FACTORY—ABANDONED CHARACTERS—DR. ULLATHORNE'S OPINION—MARRYING FREE MEN—DEGRADING THE MASTER'S CHILDREN—HORRIBLE PRACTICES—MEN PREFERRED AS DOMESTIC SERVANTS—SICKENING DETAILS—JUDGE THERRY'S EXPERIENCE.

 HE women convicts gave the authorities more trouble than did the male convicts, for from first to last there were great difficulties surrounding their control and disposal. In regard to numbers the proportion of females to males was as one to four, and, strange though it may seem,

the greatest trouble could be traced to the smallness of their numbers. Their sex proved at once their strength and their weakness. The settlers sought them as house servants; the ticket-of-leave holders and other prisoners sought them as wives; and the knowledge that they were so eagerly sought after, added to the knowledge that they could not be punished like the male prisoners, rendered many of them saucy, independent, and reckless. The majority of them as servants proved a curse to the households in which they were engaged, especially in those homes where there were children, and simply help-meets in vicious work to the men who had chosen them for partners. Yet not a few of them, under favorable conditions, proved valuable domestics, faithful wives, and good mothers—bright contrasts to the many who like “raging waves of the sea” foamed out their own shame.

The proceedings at the reception and distribution of female convicts upon their arrival differed somewhat from those attendant upon the arrival of male convicts, and which have already been described. After being mustered on board the ship they were allowed to land in their own dresses, and not in those provided by the Government—a concession much appreciated by the majority of them, although it is doubtful whether the feelings of self-respect which it was thought would be encouraged by such a course were at all promoted. Those who had husbands in the colony were allowed to join them, provided the husbands were in a position to support them and gave evidence of a desire to reform. The remainder were either assigned to private service or sent to the Factory at Parramatta—which was supposed to serve as a house of correction for the incorrigible and as a sort of refuge for the sick or those who had young children. Those to whom women were assigned as servants

had to sign an agreement, each binding himself to retain the woman in his service for three years, providing her with good and sufficient food, clothing and lodging; and in no case to allow her beyond his control, unless with the approbation of a magistrate or in case of misconduct legally proved. The penalty for breach of this agreement was £20, but there is no record of that penalty ever having been enforced, although the agreement was openly broken in hundreds of cases, especially in the interior of the country.

The assigned servants who misconducted themselves were ordered to the Factory, where they were kept employed in spinning and weaving a very coarse grey woollen cloth for the settlers, and as clothing for the prisoners. It was the practice for settlers to send in their own wool to the factory, and receive a yard of cloth for every 5lbs. of wool sent in, the authorities thus obtaining one pound of wool for the labour expended in manufacturing the cloth, four pounds of the raw material being sufficient to make a yard of cloth; and the wool thus taken in payment was used to make clothes for the prisoners, this work also being performed by the women in the Factory. The fleeces of the coarse-woolled sheep were used for this purpose until 1819, when the introduction of fine-woolled sheep checked the work, and the coarse wool required for the manufacture of the prisoners' clothing had to be imported by the Government. A full account of life within the Factory walls will be given in a subsequent chapter; at present I purpose dealing only with the assignment system as it applied to the female convicts.

Assignment was considered punishment for female, as well as for male convicts. In respectable families the condition of convict women, as concerned their food, clothing, and indulgences, was much the same as ordinary free servant-

women in the old country. Their general conduct was bad. They were all of them, with very few exceptions, drunken and abandoned prostitutes; and even were any of them inclined to be well-conducted the disproportion of sexes in the colony was so great that they were exposed to irresistible temptations. For instance, in a private family in the interior a convict woman, perhaps the only one in the service, or even in the neighbourhood, was surrounded by a number of depraved characters, to whom she became an **object** of constant pursuit and solicitation, and she was **generally** obliged to select one man as a paramour, to defend her against the importunities of the rest. The women seldom remained in one place long, however. They generally committed some offence for which they were returned to Government, or became pregnant and had to be sent to the Female Factory to be confined, at the Government expense, of course. At the expiration of their term in the Factory they would be re-assigned, and go through the same course.

“It can be easily imagined,” the Commissioners reported to the House of Commons, “**what** a pernicious effect must be produced upon the character of the rising generation of the Australian Colonies in consequence of the children of the settlers being, too frequently, in their tenderest years under the charge of such persons. Many respectable settlers are, however, unwilling to receive convict women as assigned servants, when they can possibly dispense with the service of females; and in many instances convict men-servants are preferred for those domestic operations which are performed in this country (England) by women only. A considerable portion, therefore, of the female convicts are retained in the service of the lower description of settlers, by

whom, it is notorious that they are not uncommonly employed as public prostitutes."

Rev. Dr. Ullathorne declared before the Committee that the misconduct of their assigned servants were as common a topic of conversation with the ladies in Australia as the weather in England. He also said that generally speaking, very soon after their arrival at their assigned place they began to be negligent, and from negligence they turned to pilfering, and from pilfering generally followed drunkenness, and from drunkenness generally debauchery; and it was very rare indeed that a woman remained above a few months in service before she was sent back to the Factory for punishment. "I now speak," said he "of assignment in towns. There are, I believe, cases in which they remain longer in the service in the country, where perhaps only one or two are in service at the same place, and where they have fewer temptations."

Female convicts were allowed to marry free men, but they remained under the surveillance of the police, and were liable to be sent back to the Factory in case of misconduct. Marriages between them and men who had been convicts were encouraged, and the Government even permitted them to marry when in service, provided the permission of the master were obtained, and a security given by him to the Government that the offspring of such union should not become chargeable to the State. Most of the convicts who were permitted to marry obtained their wives from the Factory; but such marriages rarely turned out well, for the woman not infrequently became the common property of the convict servants on the establishment, creating innumerable quarrels among the men, who purchased her favours generally by petty larcenies upon their master.

Speaking of the behaviour of the female convict servants Mr. John Russell says:—"They behave very badly indeed frequently. They do, as well as the men, much mischief to the rising generation, being generally most mischievous in attempting to seduce or contaminate the daughters of the settlers. I have known them make use of the daughters as spies to assist them with their paramours. I know a melancholy instance where three girls, about 13 or 14, were left in the society of a convict servant maid by their mother—in fact, the mother was more culpable than any one else. These children were used as spies for her paramour and were often witnesses of her intrigues. I have heard since that the three girls have been got with child by a connexion of their own, which was just the result of being left by the mother to the tuition of a convict servant-maid."

The same gentleman (who was at one time commandant of Port Arthur penal establishment), further says:—"I think that the male convicts being in families of free settlers did a great deal of mischief, particularly to the rising generation, in corrupting them, both boys and girls. It is natural for them (the children) to associate with the convict servants about any houses, and I think they have been frequently very much corrupted by them; and, with the free settlers, the effect has been to make the lower order of free men just as bad as the convicts. Instances of contamination came under my own particular knowledge. Three men were hanged for a rape on a little girl, about five years old, the daughter of one of the most respectable men in the colony. The men were the servants of the family, and there were many aggravating circumstances attending the case. I was on the jury. This child and her sister of greater age,

associated with the convicts, male and female; they were very much in the society of a female convict there, and it came out on the trial that this woman was privy to what had been going on among the men with the two children; in fact, while one child was being ruined, the other watched at the door and gave information if any one was approaching. And on the trial that child (and she was a most beautiful child) called every part of man and woman by the most beastly names, which she had heard from the convicts. I am sorry to mention the case, but they were the children of one of the most respectable settlers in the colony—not in the town, but in the country. One of the girls was aged five, and the other thirteen; and I believe nearly the whole of the convict men were equally culpable with those convicted. And within a week from about the time these men were tried a police magistrate sent two children to me, under similar circumstances to be examined.

The same official says again:—"Ladies prefer the domestic service of men to those women. They are very much in the habit, when corrected by their mistresses, of making use of the most grossly indecent language, because they know their mistresses cannot repeat such gross language in evidence before a magistrate. This is the general state of the case, but I must say that there are many women who turn out exceedingly well when they fall into the hands of good mistresses; but there are masters who bring ruin on the women. One man, for instance, I knew, (and I believe he is not singular) who is in the habit of locking out his female servants with his men at night in the outhouses, and letting them do as they like."

A gentleman who was Superintendent of Convicts at the Government establishment at Emu Plains, for three years,

1821-24, Mr. Murdock, and who afterwards became a large landed proprietor, bore the following testimony concerning the women :—"There was only another free man at Emu Plains besides myself, and no free women belonging to the establishment. The last year and a half I was there 25 women were sent up from the Factory, to be employed in hoeing the corn, and in things of that nature. I was requested by Sir Thomas Brisbane to go to Sydney to attend at an investigation that took place relative to the women that he had sent up to Emu Plains. It had been reported to the Secretary of State for the Colonies that the women had been sent there for the purposes of prostitution, and that they were there for no other purpose ; and to refute that statement I was called upon to go to Sydney. It was proved at that investigation that everything had been done to prevent prostitution, and that it had been by no means common among the women.

"The women were permitted to marry the convicts, and they all married with the exception of two or three. I think the whole system of punishment of females an utter abomination. I think, under the system, to reform the unfortunate females themselves is impossible ; I think they contaminated all around them, and that they were the most complete nuisance we had in the colony. Between the year 1831 (when in Van Dieman's Land) and the arrival of the first ship with free females, called the Princess Royal, I believe I had eleven female convicts in my house, and I quite shudder now when I contemplate their conduct, and consider that my children were under their charge. I may mention the first woman we received. When we landed I went to the Female Factory and asked the superintendent if he could recommend Mrs. Murdock, just come to the colony, in delicate health, a

decent female to attend her. He said he would send a woman down, and accordingly a woman did come ; and I think when I asked her she said she was either a nailer or a button-maker. Mrs. Murdock saw her and almost wished herself at home again ; however, nothing could be done and she got a little room made up for her and put her in it ; and she went in one day and found her lying on the bed with what she called a yard of clay in her mouth, and drinking a pot of porter and blowing a cloud ; that was her own expression to Mrs. Murdock when she went in. I think I sent her back to the Factory that night. The next was a remarkably clever woman, but I understood afterwards that she had attempted to poison herself three or four times. She at last ran away from us, got married on a false certificate, and a year or two ago was found dead in her bed through drink ; and I suppose, if I could follow the history of them up, they would, no doubt, be all much the same. In gentlemen's houses if the convict women-servants are well disposed, their condition would be tolerably good ; but really as far as my observation goes, generally speaking, their condition is very bad, and a modest woman could hardly remain so, if she chose. She is despised and insulted by her mistress very often, and her only protection sometimes is in forming a liason with some of the convicts about the house ; she is not allowed to marry under twelve months' good behaviour, a period few of them could manage to accomplish. The generality of the female servants are rather hardly treated by the common settlers, but I may explain that they are generally so bad, that the settlers have no heart to treat them well. It is their general fate, mostly, to become prostitutes to the convict servants in order to obtain a protector. As punishment they were taken to the nearest police magistrate,

who, if he has cells at the station, perhaps put them into the cells a given number of days on bread and water ; but if he thinks they are not likely to do well in their places, he returns them to the Female Factory under a sentence of so many months, as the crime appears to deserve. They were assigned to others after their sentence in the Factory had expired. I think punishment in the Factory would have deterred them if anything would. I do not believe that one woman in a thousand has the moral energy to resist the temptations she was exposed to in the places she went to. I have known a respectable *lady* remark that she did not attempt to prevent prostitution with her female servants, because it was not possible. I cannot possibly conceive anything more injurious to the character of the rising generation than to be under the charge of such people."

Further testimony of the corrupting influences of the convict servants upon the children of those to whom they were assigned is given by Surgeon Barnes. Here is what he says :—"The moral effects of convicts being employed as domestic servants in the families of free settlers were, in most instances, of a very demoralizing character. It sometimes happened that a convict was employed as a schoolmaster in a family, to teach both the male and female branches ; and it often happened that very improper intercourse took place between a prisoner and the female branches of a family. Many instances of that kind have occurred. In one of the districts near my residence a convict was employed as a kind of a clerk, and also as a schoolmaster, who seduced the daughter of his employer. The matter, however, was not made public ; it was hushed up. In another instance the daughters of a respectable individual, also residing in the neighbourhood in which I was living, had become so linked

with the male convict servants of the establishment, two of them, that it was generally known throughout the district that those girls were almost in the same position as prostitutes, not to one servant, but to all the servants of the establishment; and the report went so far as to say, that they were in the habit of associating with a road-party of men. I speak this as matter of fact, because it came under my own observation; and on one occasion I spoke to the father, thinking it my duty, as a friend, and as I was professionally employed; I cautioned him against letting them have so much license; but, however, the father either disbelieved what I had stated, or he did not choose to consider that his daughters' conduct was at all improper; but the report I believe is very correct, and there were many observations and ocular demonstration to prove that their intercourse with the servants was a very improper one. Several other cases might be recorded, in which the female branches of families have suffered from having a man in the establishment, or acting as a confidential servant; and in several instances consequences of that kind have taken place, not from such individuals acting as schoolmasters or clerks, or in any capacity of that description, but where intercourse has taken place between the common farm servants and the children. The two girls mentioned were supposed to have been corrupted by a female convict servant; she was made a kind of companion for them, to wait upon them and walk about with them. The conduct of the female servants generally is very depraved; they are seldom to be trusted, are generally extremely insolent and idle, and neglect their duty on every possible occasion."

Judge Therry, writing on this subject, says:—"The female convicts were a far worse infliction on the free portion

of the community than the male convicts. Many of the latter were transported for slight offences ; but females were seldom sent out whilst any reasonable hope remained of reforming them at home. The mingling of an abandoned set of women with men of kindred stamp in the colony may be easily imagined. Like the male convicts, they were assigned to private service, but very rarely indeed was a sober and well conducted servant to be got amongst them. Some of them, however, on getting married to steady husbands, became reformed ; but if the cessation of transportation brought no greater blessing with it to New South Wales than the discontinuance of sending out all the profligate women of England to Australia, the discontinuance was unquestionably a great boon. There was the same inattention to classification and to the placing them in suitable situations, and to the provision for them of religious instruction, as has already been adverted to in the case of male criminals."

I would gladly have passed all this part of the horrible story over, and have covered up the sickning details from public gaze ; but the story must be told, and I have preferred to let those tell it who were surrounded by its living characters, and who gave their evidence on oath before the English Commissioners appointed by the House of Commons to discover the truth. And the reader may judge what a frightful state of things existed when he learns that I have suppressed the worst part of the evidence given before the Commissioners, bearing upon this phase of the convict system. If all were given, it would form, not a chapter merely, but a whole book of horrors.

CHAPTER XIII.—THE FEMALE FACTORY.

A CENTRAL FIGURE IN THE CONVICT SYSTEM—A LYING-IN HOSPITAL RATHER THAN A PENITENTIARY—NURSING MOTHERS—A FEW FIGURES—INDECENT CONDUCT—ORGANIZED RIOTS—TESTIMONY OF THE ROMAN CATHOLIC AND CHURCH OF ENGLAND CHAPLAINS—REPORT SHEWING CONDITION IN GOVERNOR MACQUARIE'S TIME—A BRIEF HISTORICAL SKETCH OF REV. SAMUEL MARSDEN—PUNISHING OFFENDERS—REBELLIONS—REMODELLING THE INSTITUTION—CHOOSING A WIFE—ILLEGITIMATE CHILDREN—AN INTERESTING PROBLEM.

THE reader will gather from what has already been written that the Female Factory at Parramatta formed a central figure in the convict system. It was intended as a penitentiary—a place of punishment where, according to the nature of their offences, the women could be either placed in solitary confinement, with bread and water, or employed in picking wool or *breaking stones*. Some of the women were sent to Moreton Bay, but the Parramatta Factory was the chief penitentiary for them, although the labour imposed there being generally very slight, many of the women preferred being sent there to being assigned to private service.

Those who were with child were generally sent from their service to the Factory when near the period of their confinement, and they were placed in a separate class, intermediate between those who were confined for punishment and those who were waiting to be assigned. This class was a very numerous one, as may be seen from the statement that in 1839 out of 590 females in the factory 108 were nursing children, and a large portion of the remainder were

about to become mothers; at the same time there were in the factory 136 children between the ages of one and three years, the illegitimate offspring of convicts. The factory was, therefore, more a lying-in hospital than a penitentiary.

There were also penitentiaries in Hobart Town and Launceston (Van Dieman's Land), but there were conducted on a more rigorous scale than the one at Parramatta. The punishment was more severe, and the females were kept busy spinning, picking wool, and at needlework.

The conduct of the women at the Parramatta Factory was grossly indecent and disorderly. Organized riots were frequent, and the place was described as a perfect pandemonium. The management up to the year 1830 was very defective, but after that date changes in the administration took place which had the effect of remedying existing evils to a considerable extent. Rev. Dr. Ullathorne stated that when he was engaged in imparting religious instruction to one class he had sometimes been interrupted in the midst of his exhortations by such yelling and obscene language and quarrelling in the neighboring ward that he had been compelled to stop; and on one occasion he was interrupted for twenty minutes before he could find anyone to quell the disorder. So great did the disorder become at times that the military had to be called in to quell it, and even they came in for some rough handling. On one occasion when they appeared they were pelted with stones by the women, and not caring to fire upon their assailants the soldiers hit upon the happy expedient of returning the fire of the women after its kind, hurling stones at them so effectively as to drive them back to their own apartments. One story is told of a soldier who attempted to restore order being seized by the viragos and carried into their own apartment, where they tied his

hands and feet, stripped every particle of clothing off him, and then beat him all over with bunches of stinging nettles.

Like every other convict establishment, the Factory was a progressive institution. Founded in the first instance as a sort of temporary "home" for the wretched creatures who were legally ostracised from the respectable portion of their sex, it rapidly became the breeding place of every imaginable abomination—a very seedplot of immorality and crime. The following extracts from a letter written by the Rev. Samuel Marsden to Governor Macquarie in 1815 will give the reader some idea of the character of the place and of the condition of affairs in the town of Parramatta at that time :—

"I feel it my duty as principal chaplain and resident magistrate in this district, to submit to your Excellency's serious consideration the present state of Parramatta and its neighbourhood, so far as it relates to its public morals and police. During more than twenty years' residence in this town, I do not remember any former given period when so many offences were committed against the peace as there have been for some time past. Housebreaking, highway robberies and other daring crimes have increased to a very alarming degree. Nearly the whole of my time, from morning till evening, has been occupied for some weeks in examining the different complaints preferred before me.

"The first observation I shall make relates to the male convicts, a number of whom are employed by the Crown at Parramatta as mechanics, and in various other public situation. These men have no barracks or huts provided for them by the Crown, as formerly, where they can dress their provisions and sleep at night, and be placed under the immediate eye of the police. On this account numbers of them are scattered all over the town and neighbourhood, and

procure lodgings where and as they can amongst the lower order of free people who live upon their vices and become their protectors on all occasions. It generally happens that these free people, when any theft is committed, will, either through fear or interest, cautiously conceal every circumstance within their knowledge that would criminate the guilty who lodge in their houses, and by whose frauds, impositions and thefts they are maintained. The convicts in the employment of the Crown being at full liberty in the night to commit any depredations with impunity, in consequence of having no settled residence, thereby form such plans to prevent detection as no act or cunning of man can unravel. Hence the magistrate is daily compelled to discharge persons accused before him of various offences for want of evidence, though the most satisfactory conviction of their guilt arises in his mind. There are 75 convicts employed at the public works at Parramatta, under the superintendence of Mr. Rouse, very few of whom have any place whatever to lodge in; and they that have not, being more than 60 in number, pay for their lodging and fire, which at a moderate estimate, cannot amount to less than from £10 to £15 per week. This sum they have little means to obtain, but by theft, as few persons in Parramatta have any work for them to do, when they have performed the work assigned them by the Government.

“A second cause of the moral and political state of Parramatta and its neighbourhood is the miserable situation of the female convicts in the service of the Crown and employed at the Government Factory. Numbers of these women are of the most infamous and abandoned character, composed of the very dregs of the whole colony, being principally collected from the gaol at head quarters, and all the different districts throughout the whole settlement

Many of them are a terror to the better part of society. I need not state to your Excellency that these female convicts have no more accommodation provided for them than the male convicts. During the night these women spread themselves through all the town and neighbourhood of Parramatta, and some of them are glad to cohabit with any poor wretched man who can give them shelter for the night. From the best information I can obtain many of these females pay four shilling a week for their lodging and fire. Few of them have any means excepting prostitution to obtain this sum, and hence the male convicts weekly rob and plunder either Government or private individuals to supply the urgent want of the females who are devoted to their pleasure. If this were not the case the females would be left entirely destitute, for the lower order of free settlers neither could nor would supply them with lodgings, and other conveniences to dress their food, unless they could remunerate them to their satisfaction. The extreme illicit commerce carried on under these circumstances between the male and the female convicts is destructive of all religion, morality, and good order, and destroying at once the most distant hope of any reformation being produced in either. Nothing can be more distressing to the seriously reflecting mind than to see the vices and miseries of these abandoned females.

“ I have further to remark, that these women having no settled residence provided for them, they have no proper means of taking care of their weekly ration, and on this account their provisions are frequently stolen from them, so that many have nothing to eat for two or three days towards the latter end of the week ; therefore they are urged by the calls of hunger to steal or do things worse.

"When I was in England in the year 1808, I represented to her Majesty's Government the profligate state of the female convicts at the time I left the colony, which was owing at that time in a great measure to the want of a barrack for their reception, where the good could be separated from the bad, and an opportunity afforded to all those who wished to redeem their characters and return to the paths of virtue. I was assured by those in authority that this serious evil should be remedied by barracks being provided for them. . . . Seven years have now elapsed since that period, and your Excellency is well aware that no provision has yet been made for the female convicts to this very day, and that they are still exposed to the same ruinous temptations and hardships as formerly, with this difference only, that the evils have increased to the public in proportion to the increased number of females sent out from Europe. . . .

"There is another serious evil I wish to state to your Excellency, in consequence of the female convicts being at large in the night to indulge their vicious habits and passions. There is scarcely one female convict that will go quietly into the service of the most respectable family in the colony.

"It generally happens that when female convicts are ordered into the service of private individuals by the magistrate they will in the most positive and open manner refuse to obey his orders, and will sooner live upon bread and water in a solitary cell than leave Parramatta, the scene of their sensual gratifications, till they weary out, by length of time, the patience of the magistrate, and he knows not what measures to adopt to support his judicial authority, and to carry his necessary orders into execution. Hence, instead of the Government Factory being a House of Correction for the abandoned females and a benefit to the colonists and other

inhabitants, as a check upon public vices, it becomes the grand source of all moral corruption, insubordination, and disease, and spreads its pestilential influence throughout the most remote part of the colony. On this account there is not a bushel of maize or wheat in the farmer's barn, nor a sheep in his fold, nor a hog in his sty, nor even a potatoe, turnip or cabbage in his garden, but what he is liable to be robbed of every night he lies down in his bed, either by his own or his neighbour's servants, to supply the wants of these abandoned women, to whom the men can gain access at all times in the night, and nothing can prevent them while the women are at large.

“The number of women employed at the factory under Mr. Oakes, the superintendent, is 150. They have 70 children, and there is not any room in the factory that can be called a bedroom for the women and children. There are *only two rooms* and these are both occupied as workshops; they are over the gaol, and are about 80 feet long and 20 wide. In these rooms there are 46 women daily employed—twenty spinning wool upon the common wheel, and twenty-six carding; there are also in them the warping machine, &c., belonging to the Factory. These rooms are crowded all day, and at night such women sleep in them as are confined for recent offences, amongst the wheels, wool and cards, and a few others who have no means whatever of procuring a better abode. The average number of women who sleep in the Factory is about 30 on the whole. Many of these women have little and some no bedding; they all sleep on the floor; there is not a cradle or bedstead belonging to the Factory. I do not deem it either safe or prudent that even 30 women should sleep in the Factory which has been crowded all day with working people, could this be avoided, as the air must be bad

and contagious. Were the magistrate to compel even half the number of women with their children to sleep in the Factory which belong to it, they could not exist. Not less than 120 women are at large at night to sleep where they can. Many of them have to pay 4/- per week for lodgings and fire; they have no means but theft and prostitution to obtain this sum, and these vices are become so common and habitual that the women will tell the magistrate that they have no other means to supply their necessities.

"There are 150 women and 33 men employed at the Factory under Mr. Oakes and 75 men under Mr. Rouse, at the lumber yard, as mechanics, &c. I have not included in this statement the constables, the convicts employed in his Majesty's stores, nor the men and women servants at the general hospital, who are equally unprovided for.

"I might further notice that many of the male and female convicts are much addicted to inebriety, and that the great number of licensed houses to sell spirituous liquors considerably increases the number of crimes. There are on the whole, under the two principal superintendents, Messrs. Oakes and Rouse, one hundred and eight men, one hundred and fifty women, and seventy children, and nearly the whole of them have to find lodgings for themselves, when they have performed their government task."

The Governor replied to this letter, stating that three years previously he had written to England, asking permission to have the necessary buildings erected, but had not up to that time received a reply.

It may be fitting here to mention that the relationship between the Governor and Rev. Samuel Marsden was not of the most cordial character. The parson wanted to override the Governor, and there was consequently not infrequently

undignified collision. Mr. Marsden wrote to head quarters and made a series of complaints against the Governor's administration. In one communication to the Home Government the Governor pointed out that Rev. S. Marsden had refused to put into force in his district an order which he had issued concerning the muster of convicts every Sunday morning, with the result that much more profligacy and depravity existed amongst the convicts there than in any of the other districts. The clergyman-magistrate was supported by three gentlemen who, said the Governor, "are notorious throughout the colony for being very severe, arbitrary masters, and embroiled constantly in quarrels with their servants, whom they are frequently dismissing on the most frivolous pretences." And His Excellency summed up thus:—"Some years ago, for the express purpose of preventing severe punishments from being inflicted in the interior districts by the magistrates, I directed them to send me quarterly returns of all persons confined, tried and punished by their authority. These returns are now regularly made, and on comparing one with the other, in those received from Rev. Mr. Marsden, as senior magistrate at Parramatta, I have invariably found that the punishments inflicted by his authority are much more severe than those of any other magistrate in the colony. In proof of this extraordinary severity I take the liberty of transmitting herewith, for your Lordship's notice, an extract from his return for the last quarter."

The end of it was that the following Government and General Order appeared in the *Sydney Gazette* :—

“Government House Sydney,

“28th March, 1818.

“CIVIL DEPARTMENT.

“His Excellency the Governor is pleased to dispense with the services of the Rev. Samuel Marsden, as Justice of the Peace and Magistrate at Parramatta and its adjoining district.

“By his Excellency's Command,

“J. T. Campbell, Secretary.”

This reverend gentleman was known amongst the convicts throughout the colony; and especially those who resided within the district over which he had jurisdiction as a magistrate, as “The Flogging Parson.” As the reader may wish to know more about him, I may as well give here a short piece of history from Bennett. Here is what that writer says about him :—

“The Church of England Establishment, before the termination of Macquarie's rule, consisted of no less than nine ministers. Some of them, like Mr. Cowper and Mr. Cartwright, were gentlemen eminently qualified for the position which they occupied, and laboured zealously in the cause of religion; while others were so much engrossed in worldly pursuits that their sacred duties occupied very little of their time or attention. New South Wales was at that period nominally part of the Indian diocese, of which the celebrated Heber was then bishop, but practically the Rev. Samuel Marsden was head of the Church in the colony, and was usually called Bishop Marsden. This gentleman occupied a very conspicuous place for many years as a magistrate, a

settler, and a trader, as well as a minister of religion, and probably the character of few men, in any age of the world, has been portrayed in such various and contradictory colours as his. He arrived in New South Wales in 1794; was a man of most active and energetic character, but unpopular in the highest degree with the emancipists and those who espoused their cause. Mr. Wentworth, in his work on the colony characterises him as a reverend hypocrite; a crafty, turbulent, and ambitious priest; a man of the most rancorous and vindictive spirit, whose character as a magistrate was stamped with severity, whose sentences exceed, both in length and rigour, those of any two magistrates in the colony; and who had uniformly set his face against every philanthropic object; who had opposed the education and civilization of the aborigines, and who, during a period of six years, had never once visited the institution established for their benefit, although it was next door to his own residence; and who had opposed the institution of Sunday Schools, and of every means proposed for the education and amelioration of the condition of the poor. On the other hand, Mr. Marsden was spoken of by his friends and admirers as one of the most admirable and sainted characters the world had ever seen; he was, said one of them, 'in humility a child, in vigour of mind and benevolence an angel; full of enterprise for the good of mankind, and full of faith and reliance on the Divine promises; unborn empires are dependent on his exertions, and his name will be the theme of the new world, so long as there is a heart to feel reverence or a tongue to utter praise.' Another eulogist (Mr. Wilberforce), in his place in the British Parliament, said Mr. Marsden was 'a man who had acquired the admiration of all who knew his merits—a man who shone as a bright example in the moral world; who deserved the title of a moral hero';

who had overcome difficulties for the amelioration of his species in the most unfavourable circumstances, which would always endear his name to the friends of virtue and humanity.' It will be a sufficient explanation of these widely-ranging estimates on Mr. Marsden's character to state that he was regarded in the colony as the representative of one section of the community—the dominating class, afterwards contemptuously called the 'pure merinos.' The more the virtues of such a man were trumpeted by his friends—the more they held him up to reverence and admiration—the more he became a mark for the arrows of his opponents; and it is fair to conclude that he was neither such a saint as his friends painted him, nor such a sinner as his enemies professed to believe. As a representative of his class—the official oligarchy—and as a man who meddled in everything, he necessarily made many and bitter enemies. He took a strong stand against Governor Macquarie's policy in favour of the emancipists, and after two or three persons of that class had been raised to the magistracy, he took occasion—on the Governor's interfering with his magisterial proceedings by releasing, before the expiration of their sentences, some prisoners whom he had tried and sentenced—to tender his resignation of his office as a Justice of the Peace. Macquarie however, refused to accept it, but at once issued a general order dispensing with his services. Henceforth, of course, there was war between Macquarie and Marsden—the latter declaring that 'as he had been driven by the Governor into a corner, he had thrown away the scabbard, and would never give in till he had gained redress.' Mr. Commissioner Bigge, who takes Mr. Marsden's part in this matter, suggests that Macquarie, in addition to the irreconcilable difference between them on the subject of raising certain persons, who

had been convicts, to places of rank and confidence, acted on 'a suspicion that while Mr. Marsden was receiving his hospitality and attentions, and living upon terms of cordiality and friendship with him, he was secretly and by indirect means and anonymous letters, denouncing his administration to Lord Bathurst.'

"Mr. Marsden, in addition to being a partizan of the dominant clique, rendered himself liable to have the purity of his motives as a minister of religion impeached on account of the zeal with which he followed his farming and trading pursuits, and the persistency of his efforts to acquire wealth. One of the circumstances, however, which most contributed to render him unpopular, reflected the highest credit upon his character as a clergyman. This was his fearless denunciation at all times, and under almost all circumstances, not only of everything like open or unblushing vice, but even of a disregard for the proprieties of society on the part of those whose position in life should have taught them the necessity of setting a good example to those below them. The following extract from his life by Rev. J. B. Marsden will illustrate his course of action on such matters:—'He has been known to rebuke sin at a dinner-table in such a manner as to electrify the whole company. Once, arriving late, he sat down in haste, and did not for a few moments perceive the presence of one who should have been the wife of the host, but who stood in a very different relation to him. Mr. Marsden always turned a deaf ear to scandal, and in the excess of his charity was sometimes blind to facts which were evident enough to others. The truth now flashed upon him, and though such things were little thought of in the colony, he rose instantly from the table, calling to the servant in a decided tone to bring his hat, and without further ceremony,

or another word, retired.' His integrity as a man of business was unimpeachable, but his secular pursuits were clearly incompatible with the duties of a minister of religion. The most serious charge against him—that he trafficked in spirituous liquors—he answered in terms which will probably be considered satisfactory or the reverse, according to the reader's view of his character: 'In the infancy of the colony, previous to my arrival, barter was established among all classes, from the Governor downwards. As there was neither beer nor milk, tea nor sugar, to be purchased at any price, wine and spirits became the medium of exchange. As the colony progressively advanced in agriculture, commerce, and wealth, barter gradually decreased, and money transactions became more general. I can affirm that for the last eighteen years I have not had in my possession as much spirits as would allow my servants half a pint a head per week. And at no period of my residence did I ever purchase spirits for sale.'"

So much for one of the leading colonists and clergymen of Australia of the early days. In making his name my theme I cannot say that I feel at all disposed to offer either reverence or praise. He died in 1838 a very wealthy man.

Returning to the Parramatta Female Factory, from which Parson Marsden has caused us for a moment to turn aside, let us see what character it bore in later years. A magistrate of the territory, when before the Select Committee of the House of Commons in 1837—some twenty-two years after the descriptive letter I have quoted was written—gave the following evidence:—

"When a convict ship arrives with females they are assigned to as many settlers or emigrants as apply. It is generally announced in the *Gazette*, and they apply, and then the women who are not applied for are forwarded to the

Factory. The factory is a very large building, something like the poor houses here (England) an excellent building, with a large garden attached to it, and court-yard; and there the women remain until applied for as assigned servants or wives. I have known some of the sailors who have come out in the ship with a convict woman and taken a fancy to her, get married immediately: there is no time required. Of those convict women who are employed by the settlers and others, if any behave ill, they are brought before a bench of magistrates, and punished according to the offence; but they have no other mode of punishing them than sending them to what they call the third class of the Factory, and they send them from one month to 12 months; I have never known twelve months exceeded. In the third class they are more strictly kept; they are not allowed to be sent out or assigned again until their sentences have expired, and they have different food; but after the time is out they are then removed to the second class, and remain there a short time, when they come back to the first class. No women are allowed to be assigned or marry except those in the first class. In August, 1836, there were 234 women in the third class; 108 women nursing children, they having been returned to the Factory by their masters just before the birth of the children. It is a common joke in Sydney that it is not a Factory, but a lying-in-hospital. There were 600 in the Factory in the month named, and only 93 of them were assigned and waiting to be withdrawn, and 79 assignable. Female servants do not dread being sent to the Factory—the very reverse, they court it. It is a common practice, if a convict woman is assigned to a master she does not like, and particularly in the country, that she does everything she possibly can to annoy the master and the mistress: and she

makes use of the most horrid language, and generally finishes by saying ; " Why do you not send me to the Factory ? You know how to get rid of me ; I do not like your place, and other language that I should not like to repeat. The master is frequently compelled to take the woman to the bench of magistrates and charge her with insolence, or that she will not do any work, and then the magistrate passes sentence, that she is to be confined on bread and water for a certain number of days ; and they are very insolent when the magistrate passes sentence. I have been obliged to threaten to gag them (but have never done it) they have made use of such horrid language, and some of them very young indeed. The magistrates ask the master ' Do you wish to have this woman returned, or to get rid of her ? ' and some say ' I wish to have her returned ; ' and after being confined so many days in a cell she is returned, much against her will ; but if the master does not wish to have her again she is sent to a cell where she is kept for a certain time in solitary confinement, and then returned to the Government. I remember particularly one very young woman indeed. I had sentenced her to 10 day's solitary confinement on bread and water, and said to her, ' You appear a very young woman and I shall therefore be very lenient with you.' I was sitting in this sort of way, with my hand over my eyes, and I suppose she did not fancy that I saw her ; she turned round and actually spat upon her master. I then said ' You appear to be, though young, a very abandoned woman, and I shall give you 30 days instead of 10 on bread and water.' She then said ' Oh, thank you, I am much obliged to your Worship ; 30 days ! I am very fond of an odd number, would you be kind enough to indulge me, and make it 31 days ? Do, your worship ! I should like to have thirty-one.' I could not give her more

than 30 and she knew that well; this was done merely to insult me."

When Judge Therry was Attorney-General he had frequent opportunities of studying the character of the Factory "girls," and this is the testimony he gives concerning them:—

"Their violence at times was excessive. They destroyed often the furniture of their cells, broke plates and dishes, and threw everything provided even for their own convenience over the prison-yard. This is not a matter for surprise, when one considers that between 400 and 500 of the most abandoned women of the empire were huddled together, like felons in a gaol, but from regard to their sex under less rigorous restraint. Occasionally their outrageous conduct assumed the character of a rebellion on a small scale. The sort of miscellaneous work that devolves upon an Attorney-General in the colony may be imagined from the following Memorandum, on which, during my tenure of that office, I was called upon to decide:—

Memorandum for the Attorney-General.

The women in the Factory continue in a disorderly state and those in the cells break everything that is given to them for their convenience. The police magistrate (who will probably apply to you) wishes to know how far he will be authorised in putting them in handcuffs or irons. He also wishes to know how far he may be justified in using violence against the women when they themselves are violent, or making attempts to escape.—G.G.

The Local Act for the punishment of female felons did not authorise their being put in irons; and though it did, I certainly should have been loath to advise the putting of manacles on the ankles of these bold Amazons. I ventured to suggest that the keeping of the ladies on bread and water

for three days, which the Local Act sanctioned, would probably be the best mode of starving the garrison into a surrender. The case, however, soon became very urgent. There was threatening of '*Bella, horrida bella.*' The besieged warriors menaced the demolition of the Factory, and threatened to use up the matron and her small band of assistants as materials for a bonfire. In this dilemma, without waiting for the application of the Sangrado remedy I had suggested, recourse was had to an ingenious though not successful method of frightening them. Accordingly a sergeant's guard from the Grenadier company of the regiment in town were marched into the gaol yard of the Factory. It was supposed that the sight of formidable fur caps, loaded muskets, with mounted bayonets, would frighten the besiegers half out of their wits. No such thing!—the party of soldiers engaged in this strange service were told (instructions which the brave fellows little needed) that, though they might carry muskets, they were to use none. As soon as they entered the gaol-yard of the Factory, the insurgents, undaunted by their presence, and pretty confident, no doubt, that the military party would not touch a hair of their heads, commenced a volley of stones and staves from their broken-up furniture. In a few minutes the 'Battle of the Amazons' was fought (the only fighting being on their side), and won by the women. The soldiers fled laughing and scampering back to their barracks, and left the conquerors in possession of the field. The retreat of the Federal Army at Bull's Run was not more rapid. Other measures, however, were resorted to; a strong body of police, without using unnecessary violence, got possession of the place; the ringleaders were picked out and punished; a reduction in the supply of the little comforts allowed them, in a few days, broke the strength and spirit of the combination; and all again was peace."

The severest form of punishment to which the unruly members of this wretched sisterhood were subjected was solitary confinement in the cells, with only bread and water diet, and having their heads shaved. In some of the old court records which have passed through my hands the leaves are plentiful which carry the account of women convicted, and the laconic sentence at the foot of the record "Seven days cells, bread and water, and to have head shaved." And there was more in this shaving than appears at first sight. Building operations were being carried on with vigour to meet the demands of the growing population. Mortar was needed to connect the bricks or stones, and hair was needed to make the mortar "strong." Horses and cattle and goats were too scarce to furnish the requisite supply, and the hair from the heads of the Factory girls became a marketable commodity. The Government officials found a ready sale for it by the pound, the builders and plasterers being the purchasers; and there are buildings still standing in Parramatta and Sydney, the mortar and plaster of which was made "strong" by human hair.

In 1839 the Factory was remodelled, extensive alterations and additions being made, under the order of Governor Gipps. The number of cells was increased to 72, and they were built on the plan of the American separate system. The total cost was £3,767, and the Governor reported that under a new Act that was passed for the better regulation of the female prisons, order, cleanliness, perfect obedience, and silence prevailed in the establishment to a degree scarcely surpassed in any prison in England. His Excellency also endeavoured to find profitable employment for the women, first introducing the dressing and manufacture of New Zealand flax, and net making therefrom, but the venture did not pay, and the

manufacture was given up. He also tried the manufacture of articles of needlework for sale, and Lady Gipps and her housekeeper personally superintended the work; but as the sales did not realize more than £30 in three months, that also was given up. He then caused a return to the old plan of taking in needlework for the public, and reported that the result was very satisfactory, although not more than sufficient work to keep one-third of the women employed could be procured. The average receipts were about £700 per annum. As an encouragement to the women the Governor allowed one-sixth part of all the money earned by them to be retained by them; but it was only the well-conducted prisoners who received this, as the others were not allowed to work for the public in this way, being kept at other work, for which no payment was made. Two classes of needlewomen were thus created, and they were rewarded or degraded by being passed from one class to the other. The first class consisted of about 120 women, divided into parties of nine, ten, or eleven, each woman in a party being responsible for the good conduct of the whole. The washing also for the military barracks and hospital at Parramatta was done at the Factory, and washing was also taken in for the public. His Excellency also introduced the manufacture of straw hats and bonnets, but at the time he made his report it had not proved profitable. The only other employment for the women in the Factory was the picking of oakum, which was not bad work for those who were either unskilful or sullen; but owing to the difficulty of procuring a sufficient supply the whole of the profit was absorbed.

The number of female convicts in the Factory on 1st October, 1840, was 847, and the number of children 364. The number of women in the Factory on 1st October, 1839,

was 970, and referring to this, Sir George Gipps in his despatch writes :—

“The rapid increase in 1838 and 1839 is principally to be attributed to the long-continued drought, and consequent dearness of provisions which prevailed in the colony during the greater part of those years ; but it is in part also to be accounted for by the progress of the immigration of free women into the colony, and the diminished demand for female convict servants consequent thereon. An increase of from 50 to 60 may also be accounted for by the breaking up of the female establishment at Moreton Bay ; and some further increases may be ascribed to the greater caution with which women are now assigned to private service, and especially in Sydney. After October, 1839, the number began sensibly to decrease, and in June last was reduced to 713 ; the arrival, however, of two female convict ships in July and August caused it again to increase ; and I feel bound to state, that unless the transportation of women to New South Wales be discontinued, the number in the Factory are, in my opinion, likely further to increase rather than diminish.

“Your Lordship will probably be surprised at the number of children in the Factory, but I regret to say that I have it not in my power to reduce it. Formerly, children on attaining the age of three years were removed from the Factory to the Orphan Schools, and thenceforward maintained at the expense of the colony, but our orphan schools have recently been so filled with the children of immigrants, that it is no longer in my power to dispose of the children of convicts in that way. In my despatch of 13th February last I reported to your Lordship that out of one emigrant ship alone (the North Britain) 27 children had been sent to our orphan schools. All the children above one year old in the Factory

are made to attend an infant school within the establishment, an arrangement which is producing good effects.

“The arrival of a female convict ship does not always cause an immediate increase in the number of women in the Factory, as there is generally a demand for them for private service, it being preferred to take a woman (according to the local expression) from the ship, rather than from the Factory. But many people in Sydney take women in this way only on trial, with the intention of sending them to the Factory if not useful, or if found useful, of keeping them instead of others already in their service, and of returning these others to the Factory. Women who bring children with them to the colony are the only ones who go direct to the Factory; in the course, however, of less than a year, most of them find their way thither, and not a few of them in a state of pregnancy. For these reasons, as well as for other obvious ones, I have been anxious to abolish the assignment of women in Sydney; but the apprehension of overcrowding the Factory has hitherto prevented me from doing so.”

On 27th April. 1841, Sir George Gipps received a reply from Downing-street, which contained this closing sentence:—“As transportation to New South Wales has now ceased, the number of female convicts in the Factory will, of course, be considerably diminished.”

If a male convict did not marry a convict woman on the estate to which he belonged—and only very few of them had an opportunity of doing this—the usual mode was for him to be allowed to get a wife from the factory at Parramatta. If a master had a convict whom he was anxious to keep, and whom he believed to be well-behaved, it was considered a great indulgence if he gave him permission to get a wife from the Factory; but the master had to enter into an agreement

first obtaining permission from the Government) to feed and support the woman, and, in fact, the offspring, to prevent their being a burden upon the Government. This being done the man received an order to the matron of the Factory to supply him with a wife. There were a certain number of women not allowed to marry, but with respect to those not under punishment the matron would say "Turn out the women of — class." The women were then turned out, standing forward in ranks like soldiers, or, more properly speaking, like animals at a fair. This was the *modus operandi*: The convict goes up and looks at the women and if he sees a lady that takes his fancy, he makes a motion to her and she steps on one side. Occasionally a woman has been known to refuse to stand out, having no wish for the married state, but that was a very rare occurrence. Then they have some conversation together, and if the lady is not agreeable, or if the convict does not like the tone of her conversation, she steps back, and the same ceremony goes on with two or three more until the applicant is suited with a "mate." Cases have been known where a convict has gone through between 100 and 200 "ladies" without finding one to please him. Being suited, however, with one of the fair creatures placed at his disposal he straightway takes her off and gets married. Returned to his master the pair knock up a hut for themselves, where they live together when the man is at work. The master generally allowed what was called half a ration for the wife, in addition to the man's ration. It was no uncommon thing for free men in the early days to go to the Factory and choose wives after the same fashion as that followed by the convicts.

The married life on the master's estate was not always one of felicity, especially if the husband were of a jealous

temperament ; for when he was at work his wife would seek "company," and was not above bestowing her favours upon others. In many cases the husbands have been known to allow the thing as a regular trade, and they have been known to boast that they kept two bags behind the door, one for tea and the other for sugar, and these they expected their wives to keep filled. Full bags appeased their jealousy and generally purchased peace !

On the subject of convict marriages, Judge Therry says :—"It was not until the convict element was expelled that marriage became universally to be regarded as an honourable estate. During the early period of the settlement, and even up to the time of my arrival (1829), this ceremony was not regarded as an indispensable preliminary to the union of man and woman. The indifference with which convicts often, on becoming free, chose their partners for life, 'for better or worse,' (it rarely was for better), was frequently shewn by their taking a wife as it were 'on view.' They resorted to the Female Factory, where two or three hundred female convicts belonging to the first and second classes then were imprisoned, and on no more formal courtship than bare inspection the marriage contract was concluded. Passes were sometimes given by magistrates to ticket-of-leave holders 'to go to the Female Factory to choose a wife.' The business was sometimes transacted in three days ; one day for the journey to the Factory to make a choice ; the second for the courtship and ceremony ; the third back again to the station with the *bride*. Forgeries and ingenious frauds were often resorted to in order to induce unsuspecting ministers of religion to marry parties whose wives or husbands were still living at home. Take for instance the case of a married man who had been transported and left a wife and two

children in the city of Cork. . . . On becoming free he wished to take a wife unto himself in the colony. He was aware that the zealous minister to whose flock he belonged knew of his social position; so, in order to overcome this difficulty, the fellow produced a letter,—the Cork postmark being well imitated in red ink on the corner of the envelope. The letter and postmark were both forged in Sydney. The letter, purporting to be from his brother in Ireland, amongst other plausible statements to induce the worthy clergyman to believe that the wife at home was dead, concluded with the assurance that the ‘dear wife,’ of the party to whom the letter was addressed ‘died in the bosom of the Holy Roman Catholic and Apostolic Church!’ The caitiff in this last sentence struck the keynote that he knew would sound most agreeably on the ear, and reach the heart of the worthy minister, whom that well-acted piece of hypocrisy induced to tie the marital knot.”

The Colonial slave-driver Mudie, with that fine Scotch humour which characterises his writings, narrates the following story, in which he played a part :—

“A young fellow who had just become free, and had got himself established on 30 acres of land, with a few pigs, &c., set off to the Factory (female convict barracks) in search of a wife. On the way he had to pass the estate of Mudie. In conversation with the wife of the porter, he mentioned the object of his journey. The porter’s wife advised him to pay his addresses to one of her master’s female convict servants, who she recommended as being both sober and industrious, whereby he would at once gain a good wife, and spare himself an additional journey of 140 miles. The young woman was sent for, and consented at once. When ensued the following dialogue between the master and the maid :—

"Marianne—'I hope your honour will allow me to get married?'"

"His Honour—'Married! To whom?'"

"Marianne—(rather embarrassed)—'To a young man, your Honour.'"

"His Honour—'To a young man? What is he?'"

Marianne—(her embarrassment increasing)—'I really don't know.'"

"His Honour—'What is his name? Where does he live?'"

"Marianne—'I don't know. To tell your honour the truth, I never saw him until just now. Mrs. Parsons sent for me to speak to him; we agreed to be married if your honour will give us leave. It is a good chance for me.'"

"His Honour—'Send the young man here.'"

"(Enter CŒLEBS).

"His Honour—'Well, young man, I am told you wish to marry Marianne, one of my convict servants. Have you observed the condition the young woman is in? (Marianne being 'in the way that ladies' &c).

"Cœlebs—(grinning)—'Why, your honour, as to that, in a county like this, where women are scarce, a man shouldn't be too greedy. I'm told the woman is very sober, and that's the main chance with me. If I go to the factory, why, I might get one in the same way without knowing, and that might be the cause of words hereafter; and she might be a drunken vagabond besides. As to the picanninny, if it should happen to be a boy, it would soon be useful and do to look after the pigs!'"

As a matrimonial bureau it is questionable if any establishment that had existence in any part of the world ever succeeded in drawing to itself so large a number of customers. The reader can imagine for himself, if he pleases, the business-like appearance of this marital mart in its most flourishing


days—the line of unmarried beauties, young, middle-aged, and old, before which the love-sick swains stood to make their choice—the features of those swains as they critically examined the “points” of the blushing damsels forming the regiment—the haggling between the seekers and the sought before the final bargain was struck—the envious glances of the least comely-looking of the line as they saw one after another of their more fortunate companions led from the “sampling room” to be joined in the bonds of “holy matrimony” to the men of their choice. The picture will be light or dark, humourous or tragical, according to the position from which it is viewed; but to the majority I think it will present itself as a thing of horror, the face of which should as soon as possible be turned to the wall. Hence, to the wall I turn its face.

Nearly all the female convicts who came to the colony were, for a longer or shorter term, inmates of the Parramatta Factory. It has been stated as a fact that of the four or five hundred women with which the Factory was always peopled from one to two hundred were always mothers of illegitimate children. Who is brave enough to endeavour to work out this problem:—What became of all the children born in the Factory year after year during its continuance—a period of about half a century? Many of them, we know, were fortunately separated from their mothers at a very early age and brought up in the Orphan Schools; but I, for one, do not care to attempt to follow them, or the hundreds (shall I say thousands?) who left the Factory holding the hands or clinging to the skirts of the ill-fated creatures who had brought them into the world.

The Factory was kept up as a Government establishment for years after transportation ceased.

CHAPTER XIV.—BARRACK LIFE.

ONE-SIDED REPORTS—HORRORS OF THE LIFE—WOODEN HUTS, LEG IRONS AND CHAINS—THE "LOGS"—THE WATCH—FIRST PRISON BUILT—THE PILLORY—NAILED TO THE ROSTRUM—THE PRISON BURNT—ESCAPE OF THE PRISONERS—A STONE GAOL ERECTED—A SPECIAL TAX—PARRAMATTA PRISON BURNED—A PRISONER IN CHAINS ROASTED ALIVE—PRIVATE LODGING—THE TASK-WORK SYSTEM—CONSPIRACY AGAINST WORK—THE REGULATIONS—FROM ASSIGNED SERVICE TO GOVERNMENT—SLUMMING WORK—HYDE PARK BARRACKS ERECTED—LIFE IN THE PRISON—MR. BIGGE'S REPORT—A VERITABLE SEED-PLOT OF VICE—SORROW AND DARKNESS AND TEARS—A FLOGGING SCENE—THE "TORTURE PROCEEDINGS"—UNIQUE SENTENCE.

 HE horrors associated with the life of the male convicts in the barracks cannot possibly be depicted. The few records that have been kept are "official," and it would be contrary to the natural order of things for officials to narrate facts which would have revealed the inhuman tyranny and brutal savagery of which they were the willing instruments, if not the actual originators.

For the first few years the convicts were herded in huts, under the immediate supervision and constant guardianship of the military, the leg irons and chains serving all the purposes of stone walls and doubly-bolted doors. One of the first buildings erected in the settlement was a wooden barracks for the soldiers, but its erection was a work of time and difficulty, for, says Barrington, "all building was retarded by the bad quality of the wood, which was both shaky and rotten." After the barracks a guard house was erected, but

it was not until after Governor Phillip's departure that cells were erected for solitary confinement, and a log prison built. The huts in which the prisoners were confined at night were rough log buildings, each containing one room, with half a dozen recesses on each side, which recesses answered the purpose of cells, and in each of which a prisoner was secured at night. An armed soldier was always on duty inside each hut during its occupancy by the prisoners, his duty being to walk back and forth the whole night through, while the chained convicts courted sleep on either side of him. Another soldier did duty as outside sentinel, not for the purpose of guarding the hut from attack from without, but as a kind of reserve force in case the convicts within the hut became troublesome. This lonely watch formed one of the most distasteful duties of the soldiers, and they hailed occasional disorderliness on the part of their chained charges as an enjoyable relief from the deep silence which generally reigned—a silence broken only by the occasional clanking of the leg irons, the heavy breathing of the weary sleepers, or the deep oaths from those whose leg-weariness and heart-soreness prevented sleep.

The first prison that was built was 80 feet long, and was composed entirely of logs—sides, ends, partitions, floor and roof being of uniform thickness, and formed of varied kinds of wood, the best available, but which best was bad. Over the logs on the floor and the roof there was a thick layer of clay, well worked by the hands and feet of the convicts, and a strong high fence of logs encircled the whole building. Old men living sixty years after the completion of this important public building invariably spoke of a person being "put in the logs" when sent to prison. There were twenty-two cells in this primitive establishment, and the free inhabitants of

Sydney were assessed to supply the thatch wherewith to cover it. Attached to the gaol was a pillory, and during the first part of Governor Hunter's rule three witnesses who had prejured themselves when giving evidence in the Criminal Court were sentenced to stand therein, with their ears nailed to the rostrum, and when thus nailed they were greeted, as Barrington puts it, "with the true English accompaniments of dirt and rotten eggs." Doubtless, there were then no dead cats available for such use in the colony, or these would also have been called into requisition. At midnight on the 11th February, 1799, this gaol was burnt down, and the authorities were convinced that the fire had been raised by incendiaries. At the time the fire occurred there were twenty prisoners within the log building, and as they were all heavily ironed they were only released with considerable difficulty.

Arrangements were immediately made for the erection of a large stone gaol to supply the place of the building which had been destroyed, and as the majority of the convicts at Sydney were at this time employed by the inhabitants, orders were issued that the inhabitants of each division of the town must furnish five men each day to work on the building, with a watchman to attend them. In the same year the only other prison in the colony, that at Parramatta, which was likewise built of logs, was also consumed by fire, and one of the prisoners confined therein was roasted in the flames, his irons effectually preventing escape or rescue. Rewards for the discovery of the incendiaries in both cases were offered, but no satisfactory information could be obtained from either convicts or free persons, although some of the latter were supposed to know who had done the deed. Concerning the erection of the stone gaol at Sydney, Barrington says that as it still "wanted much of being completed from the smallness

of the sums raised to carry it on; and as it appeared that the officers had paid £40 each as an individual share of the expense, it became requisite that some means should be adopted to finish the building; and as the price of wheat had, at the urgent request of the settlers, been for this season continued at ten shillings per bushel, it was thought proper to raise a sum for that purpose, by each leaving with the commissary sixpence for every bushel of wheat taken to the store." This special levy was continued until the work of erection had been completed, but as many of the settlers declined to come forward with their contributions another novel form of taxation was adopted by the committee appointed to carry on the building. An order was issued that any persons seeking a permit to land spirits, wine, beer or other strong drink from ships having those articles on board, must apply to the committee and give security for the payment of 1s. per gallon on the purchase of spirits, 6d. per gallon on the purchase of wine, and 3d. per gallon on the purchase of porter or beer, which sums were religiously collected by the committee from the persons giving the guarantee. Eventually the last stone of the building was raised, and it was computed that it had cost £3,954, the greater part of which sum had been raised by the assessments named.

The gaols were used chiefly as places of confinement for those of the convicts who misbehaved themselves after reaching the colony. The "good conduct" convicts retained in the service of the Government were allowed to provide themselves with private lodgings, if they could manage to earn sufficient in their own time to pay for the luxury, and they were thus freed from the corrupting influence of the more vicious convicts, and were seldom interfered with by the authorities if they continued to conduct themselves

properly and duly attended "muster." Such was the state of things until Governor Macquarie arrived and began to ride his bricks-and-mortar hobby-horse. He was born for the stone age and had no right to live in any other. Under his rule the colony became a huge quarry, and those who were not stone-masons by trade were speedily made so by necessity. Let us see how the convicts were affected by the building craze of this energetic Governor.

I have already shewn how the system of payment to overseers by the assignment to them of convicts worked. These overseers were careful always to secure for their own use the convicts who could earn the highest wages when hired out, and most of those assigned to them were therefore mechanics. Having become partners with them in money-making, the overseers were compelled to humour the men and to relax discipline during the hours they were employed upon public works, the result being, as stated in a previous chapter, a considerable falling off in the amount of skilled labour performed in the public service.

With the object of remedying the want of efficient control over the gangs employed on public works, Governor Macquarie, in 1817, introduced a system of weekly tasks, the regulation being that when these weekly tasks were finished the men should be at liberty to work for private persons for the remainder of the week. The change from day labour to task work was at first hailed with pleasure—first by the convict mechanics who had hitherto been prevented from obtaining tickets-of-leave, because they were skilled workmen, and, secondly, by the settlers, who had suffered much inconvenience through the almost complete absorption of skilled labour by the Government. Bennett, when referring

to the hardships which the most efficient mechanics had to endure from continued service under Government, clearly shews that they were punished for their skill rather than for their offences. He says:—"Unskilled labourers, and other convicts of trades not connected with buildings, had for many years previous to this been allowed to employ themselves for their own benefit, after serving three years of their sentence. This was even the case with those who had been assigned to private persons; while the skilled mechanics in the employ of the Government were kept from all hope of liberty because their services were considered essential to the progress of the public works, and could not be dispensed with. Even after the expiration of the full term for which they were transported there is reason to believe that many of these persons were detained at forced labour because they could not prove, without the assistance of records to which they had no means of access, that their sentences had terminated. These circumstances bred in the minds of persons so situated not only a strong distaste for work, but a most unwholesome feeling of antagonism against those who were instrumental in keeping them in such an inferior and unfavourable position. There existed indeed amongst them what may be termed a passive conspiracy against work. It was regarded as disgraceful on the part of any man amongst them to do any more than he was absolutely compelled. It was made a point of honour to do as little as possible at all times, and under all circumstances, and to such an extent was this carried that there was a regular system of signs and manœuvres by which the approach of any officer, or other person before whom it was considered desirable that some show of activity should be maintained, was rapidly communicated from one part of a building or public work to another."

A Parliamentary paper bearing upon the same subject contains the following paragraph :—“ The labour required by the Chief Engineer from the government convicts is in its nature purely coercive; they derive no advantage from it, and have no interest in improving or augmenting it; they have not even the ordinary incentive held out to other convicts, from the hope, or rather the expectation, of a remission of their punishment at the period at which they are granted to others; and they are well aware that any skill they may acquire or display in the service of government will be the cause of their further detention in it. From the nature of the superintendence under which it is carried on, and the difficulty of procuring better, no accurate information is afforded of the progress that is made. . . . The distribution of the convicts in the first instance, the resumption of their services at subsequent periods, the extension of them beyond the term assigned to others, have contributed to create an universal impression upon the minds of the convicts that skilfulness in work, rather than immoral conduct, was the cause of their first enthrallment, and the measure of its continuance. This feeling produces discouragement, carelessness, and not infrequently malicious and wanton destruction of the property of government.”

Under these circumstances we may well conceive that the men in Government employ received the new regulations for task work instead of day labour with manifestations of joy. Governor Macquarie was strongly opposed to the change, but the amount of work cheerfully performed under the new system was so much larger than that wrung out from the men under the old, that he had to give way and quietly assent to its adoption.

The amount of work fixed for the prisoners under the task-work system was not by any means large. A sawyer had to cut 700 feet of timber in the week; a labourer clearing land had to ~~fell~~ the timber on one acre in the week, or to burn off sixty rods in the same period; road gangs had to make or repair a certain length of road in a month; stonemasons had to work up a given quantity of stone: and every worker was similarly put on "piece-work." The number of prisoners working "in Government" when the new system was introduced was upwards of 2,600, those in Sydney amounting to 1,400, most of them being employed in the lumber yard and the dockyard, in Lower George-street, and the remainder in various localities about the city quarrying, brick-making, lime-burning, and in other pursuits connected with building operations. The whole of these prisoners were allowed to work under the new system, and it was found that in most cases the men would complete their tasks by Wednesday night, after which time they were eagerly hired by the settlers and others at good wages. Half their time was thus at their own disposal, and those of them who chose to work regularly and keep steady had no cause to complain of their lot, being frequently better off, financially, than some of their brethren who were altogether free. But this system had not long been in operation before multifarious evils began to flow from it. The reader will remember that these were the days of King Rum, and with the liberty to earn money came the liberty to spend it. Then followed scenes of drunkenness and rioting which night was not asked to cover.

And the evil did not stop there. Another phase of the trouble wrought by the sudden relaxation of discipline is thus described by Bennett:—"The change in the condition of the

prisoners in the Government gangs and in the public works was so great, that the order of things which before prevailed was soon completely reversed. Instead of desiring to be assigned to private persons, as had previously been the case, it became the almost universal desire of the convicts to be 'in Government,' as they termed it. The effect, so far as private employers were concerned, was most disastrous. The dread of being 'returned to Government' if they misbehaved themselves had up to this time exercised a most salutary influence on the conduct of the prisoners in private assignment. Most of them had always regarded a threat of that kind from their masters with far more apprehension than the lash itself. But the change in the system of government employment made what had long been an object of dread, an object of desire. This altered disposition on the part of the prisoners could only be overcome by the granting of improper and unreasonable indulgences on the part of the masters. Many employers, to prevent the inconvenience, and perhaps ruin, which would follow the loss of the services of their assigned men, were obliged to wink at their crimes, and some agreed to pay them the same rate of wages and to allow them the same rations as their free servants. By the convict regulations, which, of course, under the circumstances, had the force of law, the commission of any offence, however trifling—not merely against law but against discipline—ensured the return of prisoners in private assignment to gaol or to labour on the public works. The very stringency of the regulations enabled prisoners, if so inclined, to take advantage of them, and to such an extent was this carried, by those who wished to be 'returned to Government,' that all discipline was at an end, and efficient control no longer possible."

Under this task-work system the mechanics in the Government employ soon learned to "slum" their work, in order to get through it as quickly as possible and have the more time at their own disposal; a proceeding at which the convict overseers themselves connived, as it enabled them to carry on private works of their own by means of the skilled labour thus temporarily released from public service. All attempts to cure the evil were futile. It grew worse and worse, and at last Governor Macquarie decided to bring the men under the barrack system, hoping by concentrating them in one spot to bring them under more strict control and efficient inspection. A huge building was therefore erected at the east end of King street, Sydney, and was known for years after as Hyde Park Barracks, even when it was turned into an Immigration Depôt and Benevolent Asylum. This building formed the "home" of about a thousand convicts for many years, the places vacated by those who died, or those who were assigned to private employers or who were transported to Norfolk Island, being re-filled from the ranks of new arrivals from England or bad conduct men who had been "returned to Government" by the masters to whom they had been assigned. The better behaved convicts under government suffered most under this Barrack system, for they were compelled to herd with the most vicious and depraved, instead of being allowed to live in private lodgings, as formerly. The prisoners were marched to the barracks every night and portioned off to the twelve "dormitories" within the walls to sleep or plot mischief as they felt inclined, being mustered in the morning and again marched off to their work in different portions of the town.

The scenes that were enacted within the walls of the Barracks will not bear description. There was a certain

amount of military regularity and discipline while the men were directly under the eye of their custodians, but once within the sleeping apartments they were free to indulge in every imaginable vice, provided they did so without creating too much disturbance. Here are a few extracts from Mr. Bigge's report, which will serve not only to throw light upon the life of the convicts in the Barracks, but to shew the state of affairs in the streets of Sydney. The Commissioner says:—

“The association of so many depraved and desperate characters in one place is an evil that is complained of even by the convicts themselves, and although it might not have been entirely, yet it might have been partially remedied on the opening of the convict barracks, by placing the well-conducted men in one or more of the twelve sleeping rooms into which it is distributed. Robberies amongst the convicts in the barracks of their clothes and bedding, and concealment of it are very frequent; and they are encouraged in these practices by the facilities with which they cast them over the barrack wall to person who are ready to receive them on the other side. To remedy these evils several expedients have been resorted to by the chief engineer, such as searching of their persons at the gate, and the painting of large letters and broad arrows on different parts of the dress; and these precautions have in some measure diminished the great losses sustained in the clothing. It was likewise the intention of Governor Macquarie to have surmounted the barrack wall with an iron paling, but the erection of it was deferred on account of the high price of that commodity, and the delay of its arrival from England.

“It is somewhat extraordinary that instances of violence, or of attempts to force the gate of the barrack, should not

have occurred more frequently, considering the temptations that exist in the town of Sydney and the general disposition to indulge in them that is shewn by the convicts whenever they have opportunities. Absences from it on the nights of Saturday and Sunday are frequent, and are punished by confinement in the barrack on those days for certain periods. With these absences are likewise combined offences committed in the town of Sydney, of which a greater number is always brought before the police on Mondays than on any other days in the week.

“Major Druitt does not conceive that any danger to the (peace of the) colony has arisen, or is likely to arise, from the confinement of so many criminals in the same place. Conspiracies to cut out vessels from the harbour, or to effect escape, are frequently made there; but the accumulation of numbers seems rather to have afforded means of timely detection than of the perpetration of outrage; and the chief engineer and the superintendent have always depended upon the treachery of accomplices for information respecting it, and have not been deceived in that expectation. The security, indeed, arising from the treachery of the convicts towards each other, is common to all establishments in which they are collected together. It is not, however, against the perpetration of offences committed in the barrack alone that precaution is necessary; for on marching them to and from thence, either to work or to church, it is found very difficult to prevent them, especially the boys, from entering houses as they go along, and from snatching at property and secreting it. The employment of a number of seafaring men in the navigation of the boats has also led to the engagement of themselves and others in enterprises of escape, and latterly in some very desperate attempts to surprise and cut out boats

and vessels in the harbours both of Port Jackson and Hobart Town."

At the time this report was written there were fully 3000 convicts retained by the Government "on the roads and other public works of the colony," and the majority of these served a longer or shorter apprenticeship in this great seed plot of vice, not a few giving out there last breath therein.

The convicts were shut up in the barracks at an early hour in the evening, and for a little while the streets of Sydney were free from sounds of clanking chains and shuffling convict feet. But with the dawn of day the element of felony in manacles was allowed its fullest play. Early morning saw the gates of the prison thrown open, and the convicts were marched out in regimental file and distributed amongst the several public works in and about the town. With downcast countenances many of them, and "hang-dog" looks not a few, they passed along, their patchwork dress of grey and yellow cloth branded with the Government broad arrow and numerals forming a picture painful in its monotony, while the clanking of the chains at their heels as they painfully shuffled forward made a most mournful kind of music. Passing from the streets as a body they disappeared only to appear again in other grouping—one gang picking and shovelling, another cutting and lifting, another (and this the saddest sight of all) yoked as a team of twenty human beasts of burden to a waggon laden with gravel and stone, which they dragged through the streets to spots chosen as the emptying places. Do the thousands of free-born and independent men and women who pass through the streets of the metropolis of New South Wales to-day ever think that the foundations of some of the thoroughfares over which they daily walk were liberally sprinkled with the tears and sweat

and blood of their fellow-men—in some cases, perhaps, their forefathers? Oh! the monotonous horror of it all! For over fifty years sights and sounds similar to those described were of daily occurrence, but with ever-varying changes—for the mournful felon music was as varied as any music of ancient or modern times, while the sights presented were ever changing also; but neither ever ran outside the boundaries of the mournful. In every position, in every sound, there were sorrow and darkness and tears.

It was fitting that there should be a hospital in a line with the prisoners' barracks, and only a short distance (some 300 yards) from them; for in an enclosed yard of these barracks, shut out from the public view by a very high brick wall, flogging was administered. At one period the daily average number of men marched into this yard to be flogged ranged from ten to twenty. "As I passed along the road about eleven o'clock in the morning," says one writer—he was speaking of the year 1830—"there issued out of the prisoners' barracks a party consisting of four men, who bore on their shoulders (two supporting the head and two the feet) a miserable convict, writhing in an agony of pain—his voice piercing the air with terrific screams. Astonished at the sight, (the writer was a recent arrival in the colony), I asked what this meant, and was told 'it was *only* a prisoner who had been flogged, and who was on his way to the hospital.' It often took the sufferer a week or ten days after one of these lacerations before he was sufficiently recovered to resume his work, and I soon learned that what I had seen was at that period an ordinary occurrence."

What wonder that good men were made bad, and bad men made worse! What wonder that many who might have been reclaimed by gentler means were maddened by such

severity into defiance of the law ! And what took place in Sydney under well-established supervision, bad as it was, could not compare in severity with the *corrective* punishments inflicted at the stockades and settlements away from the central seat of authority—where brutal men had unlimited power. "If I have been bad, your Honour, what has been done to make me better?" was the pathetic exclamation of a man at Norfolk Island who was on his trial for a cold-blooded murder. The indiscriminate use of the lash—it was "laid on" for every offence, and often for no offence—was prolific of fearful evils. "I was once present," says Judge Therry, "in the police-office in Sydney, when a convict was sentenced to fifty lashes for not taking off his hat to a magistrate as he met him on the road." With the "swish" of the cat ever falling on his ear as it was swung through the air the stranger in the colony may well have imagined that the object of the British Government in establishing the penal settlement was not to reform criminals, but to create them. The flogging yards of the colony were in very truth flourishing manufactories of bushrangers and murderers.

For many years in Sydney, after the tattoo had beat, it was supposed that all persons had retired to their habitations and everything was to be at rest. Persons who in the night-time went out from one house to another were obliged to carry a light, and if hailed by the sentinels, if they were officers or qualified people, they were to answer by the word "Officer," and they were allowed to pass without molestation, but a parole and countersign were every day given out to be used in case of emergency. The sentinels were soldiers and under constables—appointed from good-conduct prisoners—and these paraded the streets very frequently, the town itself having the appearance of one huge prison.

As shewing the punishments inflicted on prisoners "in Government," the following statements, culled from an official record headed "NEW SOUTH WALES PUNISHMENTS commonly called the 'TORTURE PROCEEDINGS,'" will serve good purpose. At the Court of Quarter Sessions, Parramatta, the Grand Jury on 15th August, 1825, made their report. That Grand Jury consisted of H. H. McArthur, G. Acres, Allan Cunningham, G. Druitt, James Macdougall, Thomas Macdougall, George Suttor, J. Blaxland, Robert Lethbridge, G. Blackett, Matthew Pearce, James Williamson. The report set forth that they had performed their duties in visiting the gaol and public buildings, and inspected the books and records of punishment. They reported that they found warrants or orders for punishments of a nature which called for inquiry. These were 33 in number, and the following are taken indiscriminately from the list:—

"Henry Bayne, attached to the Domain party, sentenced to receive 25 lashes every morning until he tells where the money and property is, stolen from the house of William Jaynes, at Parramatta, by him."—Bayne was flogged five mornings in succession, and on the sixth day was again brought before the magistrates and ordered to be flogged again. A month afterwards, he, still persisting in his innocence, was again brought before the magistrates (Dr. Douglas, Dr. Macleod, and Mr. W. Lawson) and was further punished by transportation to Port Macquarie for 12 months. Only one witness had appeared against the man, and it was purely a case of suspicion.

2. "Richard Johnson, attached to the Government diary, sentenced to receive 25 lashes every morning until he tells where he got a pair of blue trousers from, being part of a robbery committed at the garden house, Government Domain,

Parramatta."—This was signed by Magistrates Douglas, Lawson and Macleod. After receiving his stripes Johnson accused a man named Wright, concerning whom the following appeared on the records.

3. "John Wright, attached to Mr. Kenny's party, sentenced to receive 25 lashes every second morning until he tells where he got a pair of blue trowsers, &c."—This was signed by Dr. Macleod, J.P. Wright received his lashes to make him confess where the other stolen property was hidden and was then transported to Port Macquarie for five years, the warrant being signed by H. C. Douglas, J.P.

4. "John McClutchy, attached to Mr. Wentworth's clearing party, sentenced to receive 25 lashes every morning until he tells who has harboured him during the fourteen days he has been absent from the gang."—signed D. Macleod, J.P. After one flogging McClutchy accused two men at Windsor, who were brought up, when he then admitted that he had accused them for the purpose of saving his own flesh.

The Grand Jury further reported that they could not find any record of the extent to which these punishments had been carried, and they presented the cases as acts of magisterial authority beyond the law, "opposed to the principles of reformation and the welfare of society." The dates of the 30 warrants ran from December, 1822, to December, 1824, and were signed by one or other of the magistrates named, Captain Barlow's name also appearing on some of them.

Subsequently a prosecution was entered against the law-making magistrates, for "passing indefinite and irregular sentences and causing punishments to be inflicted contrary to law;" and a Council enquiry was held to discover whether such practices were confined to the triumvirate named. The

inquiry proved that the "Torture" proceedings had been in vogue from earlier than 1815 to the end of 1823, warrants having been produced bearing the signatures of the following magistrates:—John Harris, William Lawson, Rev. S. Marsden, H. McArthur, John Palmer, Henry G. Douglas, G. J. Palmer, John Blaxland, Rev. M. Fulton, Rev. J. Reddal, Edward Reley, Morris Barlow and others.

The Council quoted several of the warrants, among them being the following:—

"The Prisoner is sentenced to receive 25 lashes, and if he does not lead to a discovery of the shirts by Saturday next, he is to receive a further punishment of 50 lashes."

Seven days later the following entry was made:—"Not having made the least effort to recover the shirts for the rightful owner, and having endeavoured to implicate an innocent man, and causing him to be apprehended and brought before a magistrate, when it appeared he was innocent, which is since corroborated by the prisoner's own confession, he (the prisoner) is sentenced to receive fifty lashes, and work in double irons, *till the magistrates may think proper to release him.*"

It is a little consoling to read the following sentences in the Council's report:—"The Council deem it necessary also to state, that it was made to appear very satisfactory to them from the examination of the chief constable at Parramatta (John Thorn), that although the number of lashes awarded by the court was not expressed in the warrant, the chief constable, as the person entrusted with the execution, was ordered by the presiding magistrates, in no case, to inflict more than one hundred and fifty lashes in the total. . . . It is also proper to state that it appears from the examination of the chief constable, the reason for not specifying the exact

amount of punishment was to hold it in suspense over the prisoner, and thereby induce him to make the disclosures sought to be obtained."

The female convicts also suffered under this rigorous and unlawful magisterial rule, as will be seen from the following single record from a return made to the House of Commons in 1826, under the head of "Papers relating to the conduct of Magistrates in New South Wales in directing the Infliction of Punishments upon Prisoners in the Colony :"—

"Bridget Rook and Margaret Murphy, prisoners, brought forward in October, 1815, for making away with a gown belonging to Mary Carney. Bridget Rook acknowledged to have had the gown from Margaret Murphy, and suspected that it was stolen, and that she gave it to Kitty White, of Sydney, for some spirits." Sentence: "*Bridget Rook ordered to be chained to Margaret Murphy, and to remain so chained until the gown is restored to its proper owner!*"

Was ever sentence more unique? Yet it is only one of many similar recorded by the Grand Jury. Bridget and Margaret must still be roaming somewhere linked together with a chain, for the gown was never recovered, and sentences passed in those days were always faithfully carried out.



CHAPTER XV.—ROAD PARTIES & IRONED GANGS.

DIVISION OF THE GANGS—THEIRS THE HARDEST LOT OF ALL—WORST POSSIBLE CHARACTERS—FORMING THE ROADS—WHAT JUDGE BURTON SAID—DISORDERS, CRIMES, DEMORALIZATION—CONVICT OVERSEERS—ORGANIZED RAIDS UPON PRIVATE PROPERTY—MACARTHUR'S SUGGESTION—REV. DR. VILLATHORNE'S TESTIMONY—MILITARY OFFICERS AND THEIR DUTIES—GOING TO AND FROM WORK—DESERTERS—WITHIN THE STOCKADE—FULL REGULATIONS CONCERNING FOOD, WORK, AND SLEEP—CONVICT DOCTORS—TREATMENT IN HOSPITAL—BURIED IN CHAINS—THE SCOURGER—ATTEMPTS AT REFORMATION—RELIGIOUS INSTRUCTION—MEN WITH BREAKING HEARTS BREAKING STONES—ONE THOUSAND ON THE CHAIN—HOW THE SYSTEM AFFECTED MORALS—THE SOLDIERS AND THEIR RELATIVES.

THE convicts under the immediate charge of the Government in the Colony were divided into those who were retained in the service of the Government merely because they were required as laborers; those who were returned by their masters as unfit for service; those who, having suffered for some offence committed in the colony, were retained for a certain period of probation in the employment of the Government; and those who, for crimes committed in the colonies, were worked on the roads generally in irons, or were sent to the penal settlements.

Convicts in the employ of the Government were generally worse off than those assigned as servants. They were employed chiefly on the public works of the colony; some of them, however, in situations of comparative ease, such as clerks, messengers, constables, and so forth. In

the evidence taken before the Select Committee of the House of Commons in 1838 the employment of convicts in the latter capacity was spoken of as a necessary evil. Many of them employed as police were described as of the worst possible character—willing to take bribes, conniving at the offence of the convict population, when employed as scourgers defeating the sentence of the law, sometimes falsely accusing innocent persons of crime and at other times screening the guilty from justice, committing outrages on female prisoners under their charge, and frequently defeating all the efforts of the Government to prevent crime.

Large parties of the convicts, called road parties, were employed in the formation of new roads in New South Wales and Van Dieman's Land. They consisted for the most part of those who had been returned by their masters as being unfit for service, and of those who, having been convicted in the colony of some offence, had been sent, on the expiration of their sentences, to work for a certain period on the roads before they were re-assigned. The conduct of this class of convicts was thus described by Judge Burton:—He said that "He had been induced, by what had been proved before him in court, gravely to consider the subject of convicts working in gangs out of irons; it was, he felt convinced, one of the most fruitful sources of crime in the colony. He had before him a return from which it appeared that the number of convicts at this time employed upon the road is 2,240, of whom 1,104 are out of irons; and when the jury considered who these latter men were and what they had been—placed under the guardianship of a convict overseer; that they left their huts in any number, armed or unarmed, as they pleased; in short, from the evidence he had upon his notes respecting the conduct of the road parties of the colony, it would appear

that these establishments were like beehives, the inhabitants busily pouring in and out, but with this difference, the one works by day, the other by night; the one goes forth to industry, the other to plunder. To the carelessness, or worse conduct of overseers, he did attribute a vast proportion of the burglaries and robberies that were committed in country districts."

Disorders, crimes and demoralization were attributed to these road-parties. Composed entirely of criminals, some of them of the very worst character, they were dispersed over a wide extent of country, under a most incomplete and inefficient system of superintendence. Most of the overseers and deputy overseers had been convicts, and these had sole charge of the parties, sometimes for many days. The road men would get in league with the convict servants of the neighbouring settlers, upon whose property they committed every species of depredation, and consumed the fruits thereof in intoxication and other debauchery. Although their condition was a more disagreeable one than that of assigned servants, being subjected to a greater degree of restraint, and having to break stones under a hot sun, the idle and worthless sometimes preferred service in a party to that of assignment. After 1837 road parties out of irons were greatly lessened, and stringent regulations were passed with the view of checking, if possible, the demoralizing influence they exerted upon other portions of the convict class. But there were no other means of forming roads. Free labour was not available and as there was an ever increasing demand for good roads the system was continued until the end, although the system of working out of chains gradually dwindled away.

Mr. Macarthur proposed a plan for the better conduct of road parties in the colony, which, if carried out, would

certainly have made the lot of the workers harder, if it did not contribute to the improvement of their morals. His proposal was that a somewhat similar system to that pursued at Sing-Sing, in the state of New York, should be adopted here. At Sing-Sing the convicts laboured in the open country without chains either on hands or feet. They were not allowed to speak to each other, and were compelled to work with downcast eyes; and if in any case a prisoner was detected looking off his work, or attempting to communicate with his fellow prisoners, he was flogged by the overseer with a cow-hide whip in the presence of his associates—the flogging being as severe and long-continued as the overseer might wish, there being no appeal against his acts. At night the men were shut up in their separate cells. Attempts at escape were prevented by armed sentinels, and the framers of the system considered it less objectionable to shoot a convict than to resort to the ordinary means by which escape could be prevented. The scheme was quite Macarthurish.

Speaking of these road parties, Very Rev. Dr. Ullathorne, who as Roman Catholic clergyman had abundant opportunities of studying the working of the whole convict system, said:—"Their mutual converse creates mutual corruption, until the best are levelled down to the worst in disposition and corruption."

Military officers employed upon the roads and public works as assistant engineers and superintendents of ironed gangs moved under stringent regulations. In the discharge of his duty the officer in charge was held strictly responsible for any act of omission by which the escape of a convict might be rendered practicable. He divided the men fit for duty in his detachment into three parties, of which one, under the command of a non-commissioned officer, proceeded

with the convicts to work and furnished sentries over them while at work and while going to and returning from it. This duty ceased on the return of the convicts at night. A second party took all the duties of the stockade for 24 hours, furnishing the day and night sentries required. The third was off duty, excepting cooks, men required to clean the barracks, and other duties of the kind; thus giving the men two nights in bed in turn.

When the convicts were brought in for meals the stockade guard furnished sentries over them, to allow the working guard time for meals and rest. The guard mounted with loaded muskets and fixed bayonets, each man having ten rounds of ball cartridge in his pouch.

The convicts as they went out were counted over by the sergeant of the stockade to the non-commissioned officer in charge, who gave a receipt for the number before he quitted the place. The men were counted again on returning. If right the receipt was cancelled; but if any were missing steps were immediately taken to find them. Patrols were sent out in all directions, information was given to any justice of the peace or settler in the neighbourhood, that a hue and cry might be raised, and reports were made on the first opportunity to the major of brigade and commanding royal engineer. The officer also closely investigated the manner of escape and all the circumstances connected with it, either by himself or a court of inquiry, if such court could be formed, and reported to the major of brigade.

It was the officer's duty to see that the convicts were sufficiently guarded when at work or on the road to and from it, not allowing them to loiter on the road under any pretence whatever. When the convicts in irons were fastened together by a chain to be marched from one place to another, or when

worked on the chain, one soldier was considered sufficient guard for a detached party of eight; but the officer was instructed to see in such case that the irons were perfect and that they were securely fastened to the chain. In marching simply without being intended to work the convicts were only handcuffed when fastened to the chain.

When the men were in the stockade sentries were posted at the wooden houses, the whole being kept under view. The convicts were compelled to keep silence within the houses both day and night, and a report was made and the guard turned out if any noise was heard, repressive measures being at once adopted. Strict silence was also enjoined during meal times, and the sentries reported immediately if the regulation were broken.

On Saturdays the men were allowed to have a general wash, and at this time extra precautions were taken against escape. All cases of neglecting work, and disorderly or improper conduct, were reported.

The arms of the military were kept at a safe distance, and a sentry was always mounted guard over them, the officer in charge having strict orders to take every precaution to prevent a rush on the guard. The officer in charge of a guard over an ironed gang was prohibited from absenting himself under any circumstances, and from allowing any stranger or unauthorised person to live at or loiter near his post under any pretence whatever.

In 1837 the construction and repair of roads and bridges were placed under the charge of the commanding royal engineer. The officer appointed assistant engineer superintended the ironed gangs, and had the power of having convicts in such gangs or road parties brought before him tried and punished by the infliction of not more than 50 lashes

for drunkenness, disobedience of orders, neglect of work, absconding, abusive language to the overseer, or for other disorderly or dishonest conduct—keeping a record of all such summary trials. If any more serious crime were committed, however, the offender was taken before the nearest justice, but this was only resorted to in the last extremity.

Convicts in irons were divided into gangs of about 80 prisoners each, and this number occupied four wooden houses, which, with the officers' and soldiers' barracks, guard room, store, and convicts' mess shed, formed what was called "the stockade." Formerly the buildings were surrounded by a staked fence, but this was discontinued, as it was found that the convicts were more securely guarded by placing sentries at the angles of the wooden houses, and leaving a space all round open to their fire.

As escapes were most frequently effected by convicts first getting off their irons, the officer was ordered to frequently inspect and carefully examine the irons on each prisoner every morning before the gang left for work, and again before they were locked up in their huts for the night. The convicts were also frequently searched, and everything made of iron or metal taken from them, also any money or any article of food and clothing not appointed by the regulations.

Any convict who had made an attempt to escape or who shewed a disposition to do so had additional irons put on him when at work and at night.

During wet weather and on Sundays, when off work, the men were frequently mustered by the officer, and also at uncertain times in the night, noting the fact in his journal as an evidence that he was doing his duty.

The convicts rose every morning during the summer months at 5 o'clock and during the winter months at daybreak, and were then regularly mustered by name. They were required to wash their faces, hands and feet every evening before they were mustered into their berths, water being provided in wooden tubs for the purpose. Each man was shaved twice a week, and the hair was kept at all times closely cut, short hair not only contributing to cleanliness, but to discovery and apprehension in the event of escape.

On working days when not at labour or meals, the prisoners were kept locked up in their huts. On Sundays, Christmas Day and Good Friday they were brought out under guard to hear prayers read and for meals, and any well-behaved men, not exceeding one-third of the whole gang, were permitted to take the air just outside the huts for one hour, under a sufficient guard.

The sick had medical attendance—sometimes. One of the regulations read as follows: "When a medical practitioner (*being a convict*) is appointed to the gang, the officer will take care that he attends duly on the sick. Should he appear negligent or disorderly the officer will have him brought up for summary trial and punishment. If a free practitioner is appointed to visit the gang the officer will require him to be regular in his attendance, and if he fails will report him to the commanding royal engineer for the Governor's information."

When convicts were forwarded to the gang by the commanding engineer the officer receiving them at once entered their names and description, noting all scars, marks, and blue tattooing, in the registers. The new arrival was then stripped of his clothes, which were fumigated and cleaned, tied up, labelled with his name and ship, and put

into the store. The gang clothes were then put on him, and in these he laboured until the expiry of his "gang" sentence, when he resumed his former garments. In like manner when one of the unfortunate wretches was taken to the hospital from the gang the stockade clothing was removed and the other clothing put on him, the stockade parti-coloured dress being resumed on his discharge cured or relieved, and another sort of cloth being put round him if he chanced to be carried out dead. One of the regulations was very emphatic on this point. It read "*His irons are not to be taken off on removal to the hospital!*" They were not always taken off on his removal to the grave!

When the sentence of a convict to labour in irons had expired, the irons were struck off, but the gang clothing was kept on him, and he remained working with the gang until otherwise disposed of by regulation.

One wardsmen was allowed to every two wooden houses, containing each 40 convicts in irons, and his duty was to keep the houses, within and without, and the utensils and bedding used therein, as clean as possible, and to air and shake the blankets daily; to provide wood and water for the cooking, and water for the drinking and washing of the convicts, and otherwise assist in the custody and management of the prisoners. One cook and one messman (convicts) were also allowed to each stockade,

One scourger was appointed to each stockade, whose duty it was to inflict all corporal punishments ordered by the officer. The cooks, warders, messmen and scourgers were not appointed from the men under sentence to work in irons, but were supplied by requisition. The scourger was allowed 1/9 per day and rations, to be raised to 2/9 after one year's faithful service. Each cook, wardsmen, and messman

received, in addition to the regulation clothing, one blue jacket, two shirts and two pairs of shoes, with an allowance of tea, sugar and tobacco, and after one year's approved service a gratuity of 1/- per week. Bullock drivers to the gangs also received extra tea, sugar and tobacco, but no extra clothing or gratuity; but if well conducted they had the privilege of being assigned to private service after one year's work with the gangs.

No pigs or poultry were allowed to be kept near the convicts' huts, or soldiers' barracks, the whole space between the buildings being kept dry, level and clean. One knife and fork, one pannikin, and one mess "kid" were allowed to every six convicts, and one spoon to each, these being issued at mealtimes and given up again before the men left the mess shed.

The officers were instructed to adopt all such measures as seemed to them likely to effect the reformation of the criminals under their charge—to prevent those who were ferocious from tyrannizing over the more obedient and well-disposed—to repress all indecency of manner and language—to prohibit loud talking or noise, gambling or trafficking in provisions or clothing, and to manifest "a kind anxiety to procure for the convicts as much comfort as is consistent with their condition under the regulation of Government."

The Bible, books of prayer, and works of a moral and religious character, were placed with the officers for distribution among the men during leisure times, the convicts being held responsible that they were not lost or defaced while in their possession. If a chaplain or catechist attended the stockade on Sunday the officer gave him every countenance and assistance in instructing the convicts; but if none attended then the officer was supposed to cause prayers to be

read to the prisoners, at least once on the Sunday. This regulation was, however, quite a dead letter. The "cat" was the chief instructor, and many a stern lesson in morality was read from out that book, which was bound in thicker hide than that of calf. The regulations also provided for the establishment of a Sunday school, for those convicts who were ignorant of letters, and any non-commissioned officer or soldier acting as teacher was to receive 2/6 per week for the work.

Where the stockade would admit of it, the gang was divided into three classes, the first being considered the lowest, and in which all prisoners were placed on first reaching the stockade. If upon the completion of one-third of his sentence, the officer considered the prisoner's conduct to have been exemplary, he could name him for the second class, and allow him extra time for airing on Sundays and days of broken labour, and other slight indulgences. Upon continued good service extending over another term he was entitled to be placed by the officer in the third class, and from thence recommended to the Governor for a remission of a portion of his sentence. In order to distinguish the three classes a piece of red cloth cut into the shape of a heart, 6 inches long by 4 inches wide, was sewed on the back of the jacket of each convict in the second class of merit, and a similar distinction in yellow cloth was used in the third class; the convicts in the lower or first class being without a badge. Bad conduct while in the first class prevented entry into the second, and bad conduct in the second was punished by a return to the first class. All communication between the convicts in the different classes was ordered to be prevented, as far as circumstances would allow; and if one bad one exercised greater demoralizing influence than usual he was recommended for removal to another gang.

The convicts out of irons who worked on the public roads wore parti-colored clothing, and were kept in gangs and under treatment similar to the ironed gangs; but the period of their labour was different. If under sentence for seven years they worked two years; if under sentence for 14 years they worked three; and if for life they worked four; after which periods respectively, if their conduct had been good, they were recommended for assignment. These men at work were in charge of military overseers, not under guard of sentries, and these overseers carried their side-arms and pistols in a waist belt, and were required to keep strict watch to prevent escape. Convicts in the road and bridge parties who were laborers could be assigned to private service after six months' labour, if their conduct was good; but mechanics in bridge parties were not assigned, although they received an extra allowance of tea, sugar and tobacco, were permitted to wear a blue jacket, and were returned for a ticket-of-leave as soon as it became due. The scourger in these gangs received the same privileges and payment as the scourger in the ironed gangs.

The officers appointed assistant engineers received the extra pay of 6/- per day while employed, and forage for one horse each. Wooden huts were erected for them at the stockade, but they had to furnish it at their own cost. One non-commissioned officer was employed as constable and turnkey at each stockade with the extra pay of 1/- per day, while the overseers were allowed an extra pay of 1/- per day, and a private 6d. The assistant engineer was allowed to employ a non-commissioned officer or soldier as clerk at 6d. per day.

One month at least before the expiration of the "iron" sentence of any convict in a gang the assistant engineer had

to report the fact to the Principal Superintendent of Convicts, and the same in the ordinary road or bridge party; lists of all eligible for assignment being also sent on the 1st and 15th of every month. In cases where the warrant under which the convict worked in irons directed that he be returned to his master at the expiration of his sentence, one month's notice had to be sent to the master, and if the master did not *claim* the convict within ten clear days from the expiry of his sentence, the convict was placed on the list for fresh assignment, and the name of the non-claiming master was entered in the book, as a record against him when applying for other servants on any future occasion.

The bare outline which I have given of the regulations under which the road parties and chained gangs worked, conveys but a very feint idea of the life which these poor wretches were condemned to lead. Many of them were, undoubtedly, great villains—as depraved as it was possible for men to be; and these could only be kept from doing injury to others by the close supervision and restraint afforded by the chained gangs. But large numbers were really inoffensive men, whose offences or dispositions did not merit the terrible punishment inflicted. The treatment which served to keep the worse characters in proper subjection, simply broke the hearts of numbers of the better class, and not a few of them sobbod out their wretched lives upon the roads, hailing death as the sweet messenger of rest.

The punishment of labour in the chain gang was very severe. Sir G. Arthur declared that it was “as severe a one as could be inflicted on man.” Governor Bourke said that “the condition of the convicts in the chain gangs was one of great privation and unhappiness.” The writer has seen old men, who knew by experience what the punishment was,

shudder as they described it in words not fit to be published. In 1834, when the system was operating fully, there were 1000 convicts in the chain-gangs of New South Wales.

Mr. Surveyor Mitchell, who had an intimate knowledge of the gangs and their working in the newer portions of the country, and especially on the Blue Mountains, when giving evidence before the Select Committee of the House of Commons, said that the working in irons did not destroy the utility of the labour, because the men were kept on those portions of the road where the force had to be concentrated, cutting through rocks and mountains, &c. Generally there was one overseer to about every fifteen men. There was a rule under an Act of Parliament empowering an overseer to punish a refractory convict to the extent of 20 lashes, but usually they were supposed to report to the nearest magistrate, who ordered the flogging.

The gangs were kept to work under a strict military guard during the day, and were liable to flogging for the slightest offence, silence being interpreted obstinacy and a look insolence, according to the state of the gastric juices of the overseer. In some of the stockades the prisoners were locked up at night in caravans or boxes good enough only for savage dogs, in which they could neither stand upright nor sit down except with their legs at right angles to their bodies. In some instances there was not more than a space of 18 inches in width for each man to lie down upon, bare boards being his bed. Hear what Rev. Dr. Ullathorne says about these kennels:—

“The evil result (numbers being confined together) is much greater in chain gangs, for particular reasons, than in road gangs. One reason is, the degradation arising from their being in chains, and from the distinguishing dress of

degradation; but another very serious evil is their being packed very closely together at night after their work is over. I remember once visiting a chain gang near Parramatta, on a Sunday, for the purpose of administering religious consolation, and when I came to the gang I found a series of boxes, and when the men were turned out I was astonished to find the numbers that were turned out of these boxes; I could not have supposed that these boxes could have held such a number; I found that they were locked up there during the whole of the Sunday; likewise during the whole of the time from sunset to sunrise. On looking into those boxes I found that there was a ledge on each side, and that the men were *piled* upon the ledges and others below upon the floor, and I believe from the bringing together of such numbers of men, heated as they are and excited, the consequences are of a very immoral kind. As I left the colony in haste, I put a question to a clergyman, who has had much experience there, as to the space allowed to each convict in those boxes; the answer given was, that the average was about 18 inches each man, but they varied considerably. He stated to me at the same time that in the hulks he believed it was not more than 19 inches, and that they were so closely piled, some 10 or 14 being put in a small cell, that they had not room to lie on their backs and were obliged to lie sideways."

It cannot be said that the chain gangs, like the road parties, "demoralized the servants of the settlers around," for they had very poor chances of contaminating them, seeing that they could only get near them by running away, at the risk of being shot down by the sentry. But, strange though it may appear, they contaminated their guards, the soldiers. Colonel Breton, who commanded a regiment of soldiers in the colony, declared that the nature of the duty imposed upon the

military in guarding the chain gangs had the worst effect upon the character and discipline of the soldiers. The demoralization arose, he said, partly from drunkenness, of which there was much amongst the troops in the colony. He had no less than sixteen soldiers transported to Norfolk Island, all of them for being drunk on sentry. "Demoralization was also produced amongst the troops," he declared, "by their intercourse with the prison population, which could not be prevented, because many of the men *found their fathers, brothers and other relations*, amongst the convicts!"

Until within a very recent period visitors to the Criminal Courts of the colony might hear the presiding judge occasionally sentencing a prisoner to be "kept to hard labour on the roads or other public works of the colony" for a certain number of years. It was not until some time after the abolition of transportation that the chain gangs died out.

CHAPTER XVI.—NORFOLK ISLAND.

PRINCIPAL PENAL SETTLEMENT—ITS ESTABLISHMENT—FIRST ORDERS—DESCRIPTION OF THE ISLAND—A MÆLSTROM OF VICIOUSNESS—APPALLING CRIME AND REVOLTING CRUELTY—THE SETTLEMENT ABANDONED AND RE-ESTABLISHED—EVENTS IN CHRONOLOGICAL ORDER—MUTINY, MURDERS, EXECUTIONS—DOMESTIC OCCURENCES—SEIZURE OF VESSELS BY PRISONERS—ATTEMPTS TO ESCAPE—A SHIPWRECK—GALLANT CONDUCT OF PRISONERS—MAJOR WRIGHT'S STORY—REV. DR. ULLATHORNE'S TESTIMONY—1000 LASHES EACH—FULL REGULATIONS AS TO DIET, WORK, AND PUNISHMENT—MACHONCHIE'S HUMANE SYSTEM AND ITS WORKING—FINAL BREAKING-UP OF THE SETTLEMENT—THE PITCAIRN ISLANDERS—PRESENT CONDITION OF THE INHABITANTS.



HE principal penal settlement of New South Wales was Norfolk Island, and the class of convicts sent there was of the worst kind generally. In Van

Dieman's Land the settlements were Port Arthur and Macquarie Harbour. While a few convicts were sent there direct from Great Britain by the Secretary of State, the majority were those who, having arrived in the colony under sentence of transportation, were again sentenced to transportation by the colonial courts for subsequent offences.

At these penal settlements, the men were occupied for ten hours daily at field labour, in the quarries, on the roads, or in any way that their custodians required. No settlers were allowed there; hence there was no assigning to private service, and the only distinction made was between those who laboured and those who were permitted, on account of good behaviour, to serve the officers. The prisoners were worked in gangs during the day, were locked up in barracks at night, and were liable to be punished corporally at the discretion of the commandant, not exceeding 300 lashes. The condition of the convicts at these settlements was one of unmitigated wretchedness. The work appointed for them was of the most incessant and galling description, and any disobedience of orders, turbulence or other misconduct, was instantaneously punished with the lash.

Sir Francis Forbes, Chief Justice, informed the Committee of the House of Commons that "The experience furnished by these penal settlements has proved that transportation is capable of being carried to an extent of suffering such as to render death desirable, and to induce many prisoners to seek it under its most appalling aspects." He also declared that he had known many cases in which it appeared that convicts at Norfolk Island had committed crimes which subjected them to execution, for the mere purpose of being sent up to Sydney for trial; and the cause of their desiring to be so sent was to avoid the state of endurance

under which they were placed on the Island; that from the expressions they employed he thought they contemplated the certainty of execution; that he believed they deliberately preferred death, because there was no chance of escape, saying they were weary of life and would rather go to Sydney and be hanged. The same gentleman also declared that if it were put to himself he should not hesitate to prefer death, *under any form that it could be presented to him*, rather than endure the life of a convict at the Island.

How well grounded were these statements of the learned judge concerning the conditions of convict life at these Penal Settlements, the reader will be able to decide as the evidence which I am about to bring forward is placed before him,—and which evidence, I can assure him, is not by any means the strongest that can be found in the musty pages of the old criminal records from which I have gathered my information.

Within three weeks after the formal establishment of the Government in Australia, Lieutenant King, who had come out in the “Sirius,” and who was a personal friend of Governor Phillip, was dispatched with a small party to colonize Norfolk Island, which had been recommended by Captain Cook as a suitable place for a settlement. The party consisted of a surgeon, a subaltern officer, six marines, two men who understood the cultivation of flax (which grew luxuriantly on the Island) and fifteen convicts—nine men and six women. When the vessel which conveyed the party to the Island returned, the commander gave such a gloomy account of its fitness as a settlement, that the Governor shortly afterwards sent over a much larger party of convicts to assist in the work of clearing and cultivation.

Among the instructions given to Lieutenant King, with

the commission appointing him Superintendent and Commandant of the Island, were the following :—

“ After having taken the necessary measures for securing yourself and people, and for the preservation of the stores and provisions, you are immediately to proceed to the cultivation of the flax plant, which you will find growing spontaneously on the island ; as likewise to the cultivation of cotton, corn, and other plants, with the seeds of which you are furnished, and which you are to regard as public stock, and of the increase of which you are to send me an account, that I may know what quantity may be drawn from the island for public use, or what supplies it may be necessary to send hereafter. It is left to your discretion to use such part of the corn that is raised as may be deemed necessary ; but this you are to do with the greatest economy ; and as the corn, flax, cotton, and other grains are the property of the Crown, and as such are to be accounted for, you are to keep an exact account of the increase, and you will in future receive directions for the disposal thereof.

“ You will be furnished with a four-oared boat, and you are not on any consideration to build or to permit the building of any vessel or boat whatever that is decked, whose length of keel exceeds twenty feet ; and if by any accident any vessel or boat that exceeds twenty feet keel should be driven on the island, you are immediately to cause such boat or vessel to be scuttled, or otherwise rendered unserviceable, letting her remain in that situation until you receive further directions from me.

“ The convicts being the servants of the Crown, till the time for which they are sentenced is expired, their labour is to be for the public ; and you are to take particular notice of

their good or bad behaviour, that they may hereafter be employed or rewarded according to their different merits.

“You are to cause the prayers of the Church of England to be read with all due solemnity every Sunday, and you are to enforce a due observance of religion and good order, transmitting to me, as often as opportunity offers, a full account of your particular situation and transactions.

“You are not to permit any intercourse with any ships or vessels that may stop at the island, whether English or of any other nation, unless such ships or vessels should be in distress, in which case you are to afford them such assistance as may be in your power.

The Island is situated about eleven hundred miles from Sydney, to the north-west of New Zealand. It has been described as “a solitary rock in the tropical ocean”—a fit place for banishment. The Island is about seven miles long and four miles broad. A long low reef fronted the bay and obstructed the entrance of vessels, which had to stand on and off within signalling distance, the convicts and other passengers being landed in boats through an opening in the reef. A military roadway led from the water to the prisoners' barracks, which were subsequently erected on an area of about three acres, surrounded by a lofty wall. These barracks were three storeys high, and contained twenty-two wards, into which nearly 1000 prisoners were crowded during the more “flourishing” days of the settlement, the largest ward being made to hold 100 men, and the smallest fifteen. The prisoners slept in hammocks, slung to each other as on board ship, with a passage down the centre. In addition to these barracks there were two gaols, a hospital, and a lumber yard within the enclosure.

It was here that a portion of the plot of Marcus Clarke's realistic convict story was laid, and no better description in brief of the place can be given than that furnished by him, in the diary of the drink-enraged Chaplain of the prison. After describing the wards in the barracks, he says :—

“ There is a warder to each ward. He is selected by the prisoners, and is generally a man of the worst character. He is supposed to keep order, but of course he never attempts to do so ; indeed, as he is locked up in the ward every night from six o'clock in the evening until sunrise, *without light*, it is possible that he might get maltreated did he make himself obnoxious. The barracks look upon the Barrack Square, which is filled with lounging prisoners. The windows of the hospital ward also look upon Barrack Square, and the prisoners are in constant communication with the patients. The hospital is a low stone building, capable of containing about twenty men, and faces the beach. I placed my hand on the wall and found it damp. An ulcerous prisoner said the dampness was owing to the heavy surf constantly rolling so close beneath the building. There are two gaols, the old and the new. The old gaol stands near the sea, close to the landing place. Outside it, at the door, is the Gallows. I touched it as I passed in. This engine is the first thing that greets the eye of a newly-arrived prisoner. The new gaol is barely completed, is of a pentagonal shape, and has eighteen radiating cells of a pattern approved by some wiseacre in England, who thinks that to prevent a man from seeing his fellow men is *not* the way to drive him mad. In the old gaol are twenty-four prisoners, all heavily ironed, awaiting trial by the visiting Commission from Hobart Town. Some of these poor ruffians, having committed their offences

just after the last sitting of the Commission, have already been in goal upwards of eleven months.

"At six o'clock we saw the men mustered. I read prayers before the muster, and was surprised to find that some of the prisoners attended, while some strolled about the yard whistling, singing, and joking. The muster is a farce. The prisoners are not mustered outside and then marched to their wards, but they rush into the barracks indiscriminately, and placed themselves, dressed or undressed, in their hammocks. A convict overseer then calls out the names, and somebody replies. If an answer is returned to each name all is considered right. The lights are taken away, and save for a few minutes at eight o'clock, when the good-conduct men are let in, the ruffians are left to their own devices until morning. Knowing what I know of the customs of convicts, my heart sickens when I in imagination put myself in the place of a newly-transported man, plunged from six at night until daybreak into that foetid den of worse than wild beasts.

"There is a place enclosed between high walls adjoining the convict barracks, called the Lumber Yard. This is where the prisoners mess. It is roofed on two sides, and contains tables and benches. Six hundred men can mess here perhaps, but as seven hundred are always driven into it, it follows that the weakest men are compelled to sit on the ground. A more disorderly sight than this yard at meal times I never beheld. The cook-houses are adjoining it, and the men bake their meal bread there. Outside the cook-house door the firewood is piled, and fires are made in all directions on the ground round which sit the prisoners, frying their rations of fresh pork, baking their hominy cakes, chatting, and even smoking. The lumber yard is a sort of Alsatia, to which the hunted prisoner retires. I don't think the boldest constable on the

island would venture into that place to pick out a man from the seven hundred. If he did go in I don't think he would come out again alive.

"A sub-overseer, a man named Haukey, has been talking to me. He says that there are some forty of the oldest and worst prisoners who forms what he calls the 'Ring,' and that the members of this Ring are bound by an oath to support each other, and to avenge the punishment of any of their number. In proof of his assertions he instanced two cases of English prisoners who had refused to join in some crime, and had informed the Commandant of the proceedings of the Ring. They were found in the morning strangled in their hammocks. An inquiry was held, but not a man out of the ninety in the ward would speak a word.

"The newly-arrived English prisoners—and some of their histories are most touching—are insulted by the language and demeanour of the hardened miscreants who are the refuse of Port Arthur and Cockatoo Island. The vilest crimes are perpetrated as jests. There are creatures who openly defy authority, whose language and conduct is such as was never before seen or heard out of Bedlam. There are men who are known to have murdered their companions, and who boast of it. With these the English farm labourer, the riotous and ignorant mechanic, the victim of perjury or mistake, are indiscriminately herded. With them are mixed Chinamen from Hong-Kong, the aborigines of New Holland, West Indian blacks, Greeks, Caffres and Malays, soldiers for desertion, idiots, madmen, pig-stealers, and pick-pockets. The dreadful place seems set apart for all that is hideous and vile in our common nature. In its recklessness, its insubordination, its filth, and its despair, it realizes to my mind the popular notion of hell."

Such was the place which formed one of the lower depths of that system which at its best was a maelstrom of viciousness. Many of its gaolers were savage beasts in uniform. Nearly all the prisoners were savage beasts in chains. There was but little to choose between them. The writer who would attempt to put into words the full story of that Island of iniquity would expose himself to a moral danger not small. He would be handling pitch having unbounded capacity of defilement.

The first days of Norfolk Island under Lieutenant King, and subsequently under Major Ross, were not the darkest in its history, although acts of revolting brutality on the one hand and appalling crime on the other are on record, as belonging to the period between March, 1788, and June, 1800, when Major Foveaux, of the New South Wales Corps, assumed the office of Lieutenant Governor there. Some queer stories are told of Foveux's social and domestic life, not at all to his credit, even in those days of loose morals. One of those stories brings the Lieutenant-Governor under a charge of robbery of a peculiar kind, the article stolen being—not a sheep, or a horse, or any such like chattel, but the wife of one of his non-commissioned officers; and it is said the lady lived to exercise a great influence over him, even interfering to prevent the too free use of the lash upon prisoners who had fallen under the displeasure of her master. This man had a keen appetite for human suffering; and it is said that other instruments of torture besides the lash were actively employed under his rule, and that the condition of the caged prisoners was most deplorable.

It is interesting to note that one of Australia's earliest and greatest statesmen was born on the island—William

Charles Wentworth, whose father, Mr. D'Arcy Wentworth, was appointed surgeon there in 1803, a few years before the Island was abandoned, for there was a break in the occupancy after the lapse of twenty-five years from the time when Lieutenant King and his small band of felon "pioneers" first set foot upon it. The worst of the dark deeds recorded belonged to the period following 1825, when the Island was re-occupied.

Governor Hunter, who ruled New South Wales between 1795 and 1800, invariably looked upon Norfolk Island with an unfavorable eye—its want of harbour accommodation, remoteness from Sydney, and contracted area forming, in his mind, insuperable obstacles to its retention as a penal settlement; and being enamoured of Van Dieman's Land, through the glowing accounts of the place supplied by Flinders, when the Governor returned to England he reported against the old place, and in favour of the new, the result being that in 1803 an order was received in the colony from England to evacuate the Island. But the free inhabitants were loath to leave the homes which they had built up, and as Lieutenant King, who had given up his command of the Island to fill the place of Governor of New South Wales, vacated by Hunter, inwardly rebelled against the order for evacuation, five years and more elapsed before the order was fully carried out. Most of the settlers were emigrants, and owned freeholds of from 30 to 40 acres, and in exchange for these they had freeholds allotted to them in Van Dieman's Land, whither they were removed at the public expense. These settlers named the localities which they subsequently occupied in Van Dieman's Land "New Norfolk" and "Norfolk Plains," in commemoration of the home from which they had been driven.

For nearly twenty years after its evacuation the Island was a place of desolation. Seasons of great scarcity and privation had set in before the settlers and prisoners were removed, and it really seemed as though nature were in league with the British Government to secure the abandonment. The crops of maize, wheat, &c., repeatedly failed; the few goats, pigs and fowls on the Island escaped to the cliffs and gullies, and it was only with difficulty that any of the stock could be recaptured. Settlers, soldiers and prisoners alike were brought to the verge of starvation, and the sufferings of the latter having been intensified by the tyranny, called by the authorities "strict discipline," to which they were subjected daily by the officers, they engaged in systematic and desperate robberies, which, as one resident of the place puts it, "destroyed anything like society." The efforts at self-preservation resulted in the setting at defiance all authority. Some of the settlers joined the prisoners in mutinous uprisings, and there was a season prolific of hanging, shooting, and condemnation to wear heavy irons for life. And in the midst of all this, one writer declares, "among the settlers and prisoners promiscuous intercourse of the most shameful and nameless description was engaged in." So scarce were provisions that all classes joined in a scramble to secure the tops of the wild mustard plant and other scattered herbs which were found growing in the bush. When the order for abandonment was put into execution, all the buildings, either public or private, were as far as possible destroyed, and nothing was left save the few goats, pigs and fowls which had run wild and evaded capture; but these proved eventually of great use to those who were subsequently sent to re-occupy the Island.

Some years afterwards the British Government

determined to establish a penal settlement there for the reception of offenders convicted in New South Wales while undergoing sentence of transportation.

Accordingly on the 6th June, 1825, "The Mermaid" cutter arrived there, with eight prisoners of the Crown to be employed as a boat's crew for the Island, and on the afternoon of the same day the "Brutus" brig arrived, having on board Captain Turton, Lieutenant Richardson and Doctor Colman of the 48th Regiment, with a detachment of 50 troops, 9 civil officers and 50 prisoners. Captain Turton with the whole of the officers landed the same day at the Cascade, on the north side of the Island, and hoisted the Royal standard of England, gave three cheers, and proceeded to bivouac for the night. Next day the troops and prisoners were landed, after which Captain Turton in presence of all read his commission as Commandant of the Island. The new comers, by the assistance of a guide who had formerly lived on the Island, marched towards Kingstown, or more properly speaking, the remains of it, which lies at the south side of Norfolk Island. Kingstown was so named by Lieutenant King, not as a compliment to himself, but in honor of His Majesty George III, and is situated in a bay between the Nepean and Phillip Islands, neither of which are mentioned in Captain Cook's discoveries. The Nepean is about half-a-mile in length and narrow in proportion, and it was, with the exception of a few caps of grass, a bare rock rising nearly 100 feet out of the water, its distance from Norfolk Island being three quarters of a mile to the westward. The passage between the two islands was very dangerous except to those who were well acquainted with the soundings. Phillip Island, with its peak 2,245 feet high (measured by Captain Sturt), is about two miles long and one mile in breadth, its distance from the

Nepean being about two and a half miles. This Island also stretched to the westward and the passage between it and the Nepean was found safe and the water deep. It was slightly wooded on the higher parts, and some very deep gullies were found there, inhabited by the wild goats, pigs, rabbits, and a few fowls left by the first settlers on Norfolk Island. The distance between Phillip and Norfolk was about four miles, and thus formed the bay, with its open roadstead to the westward, in which was situated the old and new headquarters of Norfolk Island, called Kingstown.

The landing place was most difficult, being between two rocks not more than a boat's length in width, to miss which was almost certain destruction, excepting in very fine weather, and even then safety could not be insured, two instances having occurred in one fine day of the boats belonging to the settlement being upset, and several of the crew drowned.

After a march of near five miles, through bushes and long grass which had overrun the old roads, Captain Turton and party arrived at the ruins of Kingstown, not a vestige of which could for some time be seen, so completely had the grass (from 6 to 8 feet high) and underwood covered them. At length stumbling over one, and tracing out others, they discovered what did remain. The ruins were nothing more than a few chimneys of rude construction, the houses to which they formerly belonged having been thatched, but these had been, as well as other buildings destroyed. The principal buildings of stone which had been erected upon an eminence were not discovered until some of the party, creeping through the grass, found themselves among the ruins of stone walls. Grass huts were immediately ordered by Captain Turton to be constructed for the officers and soldiers, the prisoners for the present sheltering themselves at night in the

long grass. Two or three tents had been sent down for the Commandant, in which he and some of the officers were accommodated. For the first few months the prisoners were occupied clearing the ground round the places of habitation and doing necessary things immediately at hand, Captain Turton in the meantime looking about for the most eligible spot to commence cultivating wheat, maize, &c.

On the 7th December following there arrived the brig "Amitz" with 31 prisoners, some provisions, 20 sheep, and a large copper-bottomed boat.

January 1st, 1826—On this day 20 working hands and an overseer were sent to a place called Longridge, one mile from the settlement, to commence clearing the ground for cultivation. On the 16th of the same month two of the prisoners, Samuel Tambyn and Bryan Smith, absented themselves in the bush, where they remained eleven months before they were retaken, owing to there being no person sufficiently acquainted with the island to make proper search for them. The first stone building erected on the Island since its re-occupation was completed on the 23rd of this month, for the use of the Commissariat as a store.

March 17th, 1826—The schooner "Isabella" arrived with Captain Donaldson, Lieut. Donaldson and a detachment of troops of the 57th Regiment to relieve Major Turton, Lieut. Richardson, and a part of the troops of the 48th Regt. On the morning of Major Turton's departure, Captain Donaldson read his commission as Commandant of Norfolk Island, in presence of the officers and troops of the establishment, issuing an order that all women, free and bond, on the Island, were to hold themselves in readiness to leave by the next vessel, it being the Governor's order that no woman was to be allowed to remain on the settlement. At this time

thirty of the prisoners had their wives and families on the Island, and the whole of these were forced, after receiving orders, to leave their husbands, who were to remain on the settlement. One of the women hid herself with her three children in the woods and remained concealed until the departure of the vessel which had taken the others away, when she came forward and implored the Commandant to suffer her to remain with her husband and share his fate. This being more than Captain Donaldson had in his power to do, she was eventually obliged to follow the other banished females. It being of primary importance to facilitate as far as possible the cultivation of grain, Captain Donaldson used every exertion to further this desirable object, and such men as could be spared from other labour were accordingly sent to work at Longridge, the seat of agriculture. The knowledge of the privations endured by the earlier inhabitants of the Island rendered it imperative that every nerve should be strained to secure a sufficient supply of provisions, as the arrival of a vessel might be prevented by shipwreck or other unavoidable cause, and only by their own endeavours could the inhabitants depend upon obtaining food. Thus Captain Donaldson strongly impressed on the minds of every one on the Island.

June 9th, 1826—The brig "Amitz" returned with Dr. Busby, the first Civil Surgeon that had been sent to the Island, who was sent to relieve Dr. Coleman; J. Brown, Commisariat Department, to relieve Mr. Dempsey and Mr. Erskine to relieve Mr. Campbell as Superintendent of Convicts; also relief of troops, 42 prisoners, provisions, etc. The vessel returned for Sydney on the 18th taking the last of the 48th Regiment and one woman. On Sunday 24th September following two of the prisoners, Robert Storey and

Patrick Clench, absented themselves and took to the bush. For some weeks previously more than usual discontent had been observed on the countenances of the whole of the prisoners. The work was hard, and the living, from various causes, not the best. Wild pigs and goats were plentiful on the Island and had hitherto greatly augmented the food supplies, but now they were forbidden to be caught, and other restrictions were also imposed in consequence of the increase of prisoners and other persons. At this time the hours of labour were from 7 o'clock in the morning until half past 4 o'clock in the afternoon, no breakfast or dinner hour being allowed. Task work was the order, six rods of new ground to be broken up, eighteen inches deep, with the hoe. The ration was served out every afternoon when the men came "home," and consisted of 1 lb. flour, 1 lb. salt beef or 10 oz. salt pork, 1 oz. sugar, 1 oz. salt, $\frac{1}{2}$ oz. soap—all issued raw, the men having to cook it as best they could. They were living at this time in thatched huts, as were nearly all the camp. Two eighty-gallon boilers were set up under a covering of thatch, an overseer being put in charge to have them boiling and ready when the men returned from work; but many of the men declined to cook their rations in these coppers, because as each man's pound of beef was separate and other things were boiled at the same time, it often happened that on the victuals being served out after being boiled many of the men had to go without, not being able to recognise their own. After the pigs and goats were forbidden to be caught, times were much harder. Men frequently worked 48 hours without tasting anything like meat or bread, and they frequently eat the salt beef or pork raw, first washing it in a stream of fresh water which ran through the camp. and then softening it by pounding it with a piece of

round wood ; this they did to prevent it being lost among the numerous other pieces in the common pot. Their flour they mixed up and baked in the ashes under the boilers, if they were lucky enough to be in time, and this completed the cooking of three-fourths of the men, one meal being thus produced, and very few of the prisoners had a second during the 24 hours. These things could not well be avoided, and patience to wait for better times without making things worse was one of the daily injunctions, but the hard-worked convicts found the practice of this virtue not easy. It had been found necessary to erect a large stockade, with rows of thatched huts inside, forming a garrison for the military, and the work as a matter of necessity had to be carried out as quickly as possible. The overseers consequently were obliged to be strict over the men, which strictness the men called tyranny, and a spirit of mutiny soon manifested itself.

September 25th, 1826—Early in the morning the prisoners in a body openly revolted, secured their overseers, robbed the Civil officers' quarters, broke open and robbed the Commissariat stores of provisions and other articles, forced the gates of the boat sheds, and carried off three boats, in which a number of the mutineers escaped to Phillip Island. The guard endeavoured to prevent the boats being carried away, but to no purpose, the Corporal being murdered and two privates slightly wounded in the affray. There were 150 prisoners on the Island at this time. After the escape of the boats, the soldiers under Captain Donaldson secured the remainder of the prisoners and, tranquility having been restored and precautions taken against further attempts by the prisoners to escape, a pursuit party of twenty soldiers was arranged and at once proceeded to Phillip Island to recapture and punish the escapees. The soldiers succeeded

in regaining possession of the boats, with all the plunder carried off, and in retaking three of the prisoners, one of them being shot dead in attempting to escape. The remainder had fled to the Peak where for the present they could not be followed. On the 29th Captain Donaldson again went to Phillip Island with a military party and secured four more of the deserters, the others taking shelter on the Peak, where the captain did not think it prudent to follow them. An investigation in the presence of the whole of the officers of the establishment on the Island took place on the 4th of October following, to ascertain the cause of this mutiny, when it was made clear that the revolt had been planned by a convict known by the name of Black Goff and a few other kindred spirits who possessed influence over their companions. Goff himself had murdered Corporal Wilson and wounded the two soldiers, and he was still at the head of the party at large on Phillip Island. Goff had persuaded his deluded companions that if they could get possession of the boats and some provisions he could ensure them reaching a large tract of land situated not more than 100 miles to the northward of Norfolk Island, and from thence they might easily make their escape in passing vessels, as he had been on the land and had often seen vessels, especially American, send their boats on shore there. This plausible story was believed and acted upon in the manner described, but Goff's real intentions were to run for New Zealand with a chosen few in the best of the boats from Phillip Island, taking all the provisions and leaving his betrayed companions to their fate. But this design was frustrated by the speedy pursuit and recapture of the boats by the military.

To capture and secure this daring leader and bring him to justice was the determination of the Commandant, and on

the 28th November, 1826, Captain Donaldson with a strong party landed on Phillip Island before daybreak, and having found the path which led to the Peak, commenced a vigilant search for the mutineers yet at large. After several hours search they were discovered and pursued. They had seen the boats coming, and finding their old retreat to the Peak cut off they now took to the cliffs, in which situation they could not be successfully attacked, as from the knowledge they had gained of the localities of such places they could reach retreats to which it would not be safe for their pursuers to follow them. Towards evening Captain Donaldson succeeded in driving a few of the convicts from the cliffs to the interior, when, after a desperate resistance, Black Goff was recaptured, badly wounded, and his accomplices were also secured. Having effected their object, the Commandant and his party returned to the Island. A few days afterwards Goff and four other principals in the mutiny were fully committed to take their trials at headquarters (Sydney) for revolt and murder, and upwards of 30 of the others were, by a summary sentence of the Commandant, ordered to work in the heaviest irons on the Island as a gaol gang. Thus ended the first well organized attempt on the part of the prisoners to break away from their prison home.

March, 1827—Affairs having returned to their normal condition, the labors of the prisoners proceeded regularly. Fears had been entertained for some time of great scarcity of provisions on the Island, the time fixed for the arrival of the provision ship having long passed. These fears were verified and great privations were endured by the inhabitants. On March 10th, however, the "Amitz" brig arrived bringing a supply of provisions and prisoners, and also explaining the

reason of the delay. The "Wellington" brig had been captured by the convicts on their passage to the Island, thus leaving it nearly ten months without a proper supply of provisions. On the return of the "Amitz" to Sydney, Black Goff, who had formerly been a pirate, and his accomplices were forwarded to head-quarters for the purpose of taking their trials.

The capture of the "Wellington" by the convicts on board is thus described by an eye witness:—"The vessel sailed from Sydney on the 12th December, 1826, having on board Lieutenant Brown, who was going as engineer to Norfolk Island, Captain Glass as Superintendent of Convicts, 83 prisoners, Sergeant Brown and a detachment of the Regiment, provisions, &c., for the settlement. Nothing extraordinary occurred for the first eight or nine days of the passage. The prisoners being in appearance orderly and subordinate, were allowed to walk about on deck, one at a time, no indulgence (such as plenty of water, cooking, &c.) being denied them. The weather had continued fine and all things seemed to conspire towards a speedy and pleasant voyage. Being on the 22nd instant within 24 hours' sailing of Norfolk Island, precisely at 12 o'clock, at the moment the division of prisoners who had been on deck in the morning was being relieved by the afternoon division coming up the hatchway, the preconcerted signal of "Land O!" was given by convict Douglas, one of the principals, and an instantaneous attack on the military commenced with hand spikes and such other weapons as could be procured. The soldiers obstinately defended themselves, 'fighting like devils,' to use the words of the prisoners, but they were eventually overpowered and forced below. A few shots were fired by the military, but at great disadvantage. One prisoner was wounded, and several

of the military and prisoners received many heavy blows. It had been so contrived that the soldiers could not get at their arms till some minutes after the attack commenced, and the hatches were then closed. Captain Harewood, the master of the 'Wellington,' was confined, as also was his chief mate, to their cabins and their pistols and other arms taken from them. The arms of the soldiers were also taken from them. On getting possession of the vessel, the conspirators immediately held a council on the quarter-deck, in which the following prisoners were conspicuous; John Walton, appointed Captain; William Douglas, Chief Mate; Charles Clay, Steward, William Hicks, boatswain, the others who joined in the attack being employed as occasion required. All the prisoners on board did not join in the mutiny, and some were confined below with the soldiers, as being doubtful characters and not to be trusted by the conspirators. It was settled by the principals that they should make all possible despatch, and bend their course for South America, landing the soldiers and others not wanted at the first and most convenient land they should come to. The next day the wind shifted right ahead, and a long passage now being calculated upon a thorough investigation of all the provisions on board was made, when it was discovered that the water would not last the number on board a week longer, while other things, such as biscuits, rice, &c., were equally short. To get rid of the undesirable portion of the passengers was now the determination of the conspirators, and New Zealand being the most suitable land to make, they shaped their course thither for that purpose. Having reached it on the 30th they steered for some hours along the coast to discover a place likely to produce water and where they might disembark the soldiers. One attempt was made to find water

but failed, and being now close to the Bay of Islands, they came to the conclusion it would be best to run in and get what they wanted and get rid of what they did not want; accordingly, the 'Wellington' was steered into the Bay. It is customary on whaling stations (the Bay of Islands was one) for captains of vessels to board all vessels they met with for news; therefore, as soon as the Wellington was brought up the Captains of two of the whalers came on board. They were the captains of the 'Sisters' and the 'Harriet,' the two nearest vessels to where the 'Wellington' was anchored. They were received on deck by Walton and Douglas, who stated in answer to the question 'What news?' that their vessel was bound for South America and being short of water they judged the Bay to be the most convenient place to obtain it. Meanwhile a note was surreptitiously conveyed to the hands of Captain Duke, of the 'Sisters,' informing him of the real state of the case. Taking no notice of it to those on deck, he invited Walton to go and dine on board the 'Sisters' with himself and the Captain of the 'Harriet.' After some persuasion Walton, by consent of some of his accomplices, and not suspecting any information had been given, assented, and accompanied Captain Duke to his vessel, where he was in a few minutes informed that the real situation of the 'Wellington' was no secret. He was, however, treated with every civility, but was given to understand that he must consider himself a prisoner. Night coming on, about 10 o'clock, and Douglas thinking Walton a long time away, it being past the hour of his promised return, he manned two boats and rowed alongside the 'Sisters,' enquiring for Captain Walton. Captain Duke in answer ordered Douglas off, telling him that Walton was a prisoner and that their whole proceedings were known.

After again demanding Walton and being refused, Douglas pulled off, telling Captain Duke that he had not come exactly prepared for what had happened, but before morning he would find him again alongside, paying him a visit of another kind. Douglas having reached the 'Wellington,' selected thirty of the most daring among his men and armed them with pistols and boarding pikes, determined to take possession of the 'Sisters' and liberate Walton. Captain Duke, after the returning of Douglas, consulted with the Captain of the 'Harriet,' and after a little consideration they deemed it most prudent to send Walton away, which they did in one of their own boats, and he arrived on board the 'Wellington' just as Douglas was preparing to leave her with his party to attack the 'Sisters.'

"The conspirators now thought it high time to be off, only waiting for daylight to enable them to get out of the Bay, the passage being narrow. Daylight however brought the wind 'right in' the Bay, and to 'beat out' was impossible, the tide being against them. Betrayed and exposed, they could not tell what to do. There were too many vessels in the Bay to attempt the capture of them all, and the New Zealanders were too numerous and powerful to trust themselves on shore; they therefore resolved upon waiting the shifting of the wind, which they hoped would be in the course of the day. Disappointment, however, met them at this point, and in the evening the whalers demanded the surrender of the 'Wellington,' or she would be fired into and sunk with all on board. Captain Duke and the captain of the 'Harriet' had each on board their vessels twelve nine-pounders stowed away in the holds of the vessels when the 'Wellington' arrived, but which had during the day been got on deck and mounted. Captain Duke had also

promised some muskets to two powerful New Zealand Chiefs if they would endeavour to board the 'Wellington' in their canoes, which they agreed to do. In answer to the flag of truce Walton declared he would never surrender the 'Wellington,' and expecting to be attacked had made all necessary preparations for defence, among other means, keeping the coppers full of boiling water, should any attempt be made to board them. They had four nine-pounders, plenty of fire arms, boarding pikes and ammunition, and after securing all below fast and strong, they even contemplated destroying the 'Sisters' and 'Harriet' in the night. At daylight on the morning of the 3rd of January, 1827, the conspirators found themselves surrounded by about eight war canoes of the New Zealanders, having on board upwards of 300 warriors armed with spears and evidently intending to board the 'Wellington.' Walton had also observed the whalers getting a purchase on their cables, which evidently meant something unusual. This was explained in a very short time by a sharp fire being opened from the 'Sisters' and 'Harriet' on the 'Wellington's' rigging; at the same moment the New Zealanders gave their 'war whoop,' as a signal to board, approaching the 'Wellington' in a body. Douglas, who superintended the guns, immediately gave them a discharge of grape, and 40 men well-posted received them with a volley of muskets. Two or three rounds of this kind soon satisfied the New Zealanders. About thirty were killed alongside, a great number were dreadfully scalded with water from the coppers, and it is supposed nearly 100 were shot, several canoes sinking with all on board too far from the shore ever to reach it. Not one reached the deck of the 'Wellington,' although six or seven canoes full got alongside, where they found the

water too hot for them. Having got rid of the New Zealanders, the remainder of whom made for the shore, the conspirators found the rigging of the 'Wellington' cut to pieces and her masts disabled. As yet the fire of the whalers had been directed only aloft; this the conspirators observed from the first, which enabled them fearlessly to repel the New Zealanders. They now found the balls begin to pass close to the vessel's hull, and Walton commanded his men to lie flat on the deck, as they could not return the fire of the whalers from the way the 'Wellington' swung. It was now pretty evident destruction was meant, the vessel making a great deal of water from the shots which penetrated her sides, and the people below called out that the vessel was sinking. The firing now ceased and a flag of truce was again sent to the 'Wellington' to demand her surrender, as it was evident that a few more shots would sink her. The conspirators had seen further resistance useless and consented to give the vessel up provided they were allowed to land on such part of the bay as they chose. To save further shedding of blood, Captain Duke, who commanded on the part of the whalers, consented, and at night as many of the conspirators as chose went on shore. No one on board the 'Wellington' had been killed or wounded during the conflict owing to the humanity of Captain Duke, who directed the fire against her. A few shots had passed close over the deck, but the men were lying down and thereby avoided the danger. Having obtained possession of the 'Wellington' and released the soldiers from their uncomfortable situation, the damages the "Wellington" had received were, as well as circumstances would permit, speedily repaired so as to enable her to return to Sydney. The tact of Captain Duke now discovered a way to get possession of the principal

conspirators, who, he had ascertained, were scattered about in small parties on the land. Seeking out a few intelligent New Zealanders, he promised them an old musket each for as many of the strangers as they could catch. This had the desired effect, and in a few days the whole of the conspirators, with the exception of six, were brought on board the 'Sisters' in small parties of two, three, four, and six each, Walton, Douglas, Clay and Hicks being amongst the number. Three out of the six not captured escaped in an American vessel shortly afterwards; the other three were taken at New Zealand two years afterwards and sent to Norfolk Island, where they now are. Captain Duke gave up his whaling voyage, and accompanied the 'Wellington' to Sydney, where he witnessed the trial of the conspirators, nine of whom were hanged and 24 sent for life in chains to Norfolk Island. Among the latter were Walton, Douglas, Clay and Hicks, whose lives Captain Duke was principally interested in saving. Thus ended a most desperate act of piracy and mutiny, the perpetrators of which met the fate they deserved, and too much praise cannot be awarded to Captain Duke and his coadjutors for the tact and courage displayed in recovering the 'Wellington' and bringing the conspirators to justice."

March 25th, 1827.—The brig "Amitz" arrived, having on board Lieutenant Cox, of the 39th Regiment, to relieve Lieutenant Douglas of the 57th Regiment, a relief of troops and a draft of prisoners, amongst whom were the "Wellington" conspirators. The agricultural produce of the Island had up to this period been insufficient to maintain the residents without occasional supplies from head quarters, notwithstanding every exertion had been made and most of the men kept at field labour. Two frames of wooden houses for

the Commandant and officers had been forwarded from Sydney and were erected, one at the military stockade, the other opposite the Boat Harbour. A second stone building as an additional Commissariat store was in a forward state, and in general affairs were going on smoothly and satisfactorily.

August 19th, 1827—The brig "Governor Phillip" arrived with Captain Wright of the 39th Regiment to relieve Captain Donaldson as Commandant, also a party of the 39th to relieve others of the 57th, a draft of prisoners, provisions, &c. On landing Captain Wright harangued the prisoners who accompanied him, pointing out the gaol gang who were working near the landing place in heavy irons and explaining the consequence of disobedience and disorder. The "Wellington" men were particularly noticed and alluded to. On the departure of Captain Donaldson, Captain Wright released the whole of the gaol gang from their heavy irons, replacing them with the usual working irons, and liberating the men from gaol; telling them he meant to commence his command by giving any prisoner on the Island an opportunity of recovering himself. He said he would never mention to their disadvantage what had passed except he found from personal knowledge their conduct undeserving, and that should those who had so deeply transgressed be brought before him for any repeated or serious charge, he would convince them that mercy should be no more thrown away upon them, for he would then exercise to its utmost limit the power with which he was invested. Thus cautioned he dismissed them. Captain Wright, having fully acquainted himself with the state of each kind of work in which the prisoners were employed, and seeing the necessity of supporting the Agricultural Department, determined to pay

particular attention to it. For this purpose he personally and particularly surveyed and examined the ground under cultivation and selected other portions, in the whole to the amount of 300 acres, to be immediately worked on improved principles, declaring his intentions of superintending the labour of the men himself, and seeing the ground broken up in a proper and efficient manner, the complaint very general in circulation being that the ground had not been cultivated deep enough. Captain Wright made enquiries and carefully examined several places prepared to receive crops. He then mustered the whole of the prisoners of the Island, to the number of 220, and selecting 200 of them, divided them into gangs, and sent them to field labour, daily superintending one or the other. All the land was now broken up by the hoe to the full depth of 18 inches, and it was woe to the prisoner who was found not to have done his work properly, 50 or 100 lashes being his certain punishment. The land under cultivation this year was better known by the names "The 100 Acres," "Wright's Farm," "Bennett's Flat," and the whole of Longridge. Having seen this ground properly cultivated and the crops of wheat and maize put in the ground, the Commandant examined the interior of the Island, discovering the remains of many of the old settlers' gardens, the borders of strawberries plainly pointing out the paths, while roses, bulbs, and sweetbriar abounded. In the old vineyards there were grapes of excellent quality, large clusters of fig trees, several Orange trees, some English Oak trees, and a number of excellent tobacco plants. With these latter Captain Wright planted two acres of ground, from which a large crop was obtained, the tobacco at nine months from its being cut being equal to any Negrohead. A second crop was planted, but government

forbidding its being brought to perfection, it was immediately cut down. The Commandant also noticed many beautiful creepers or vines reaching to the tops of trees 60 feet high, forming themselves into festoons and draperies of the most fanciful and beautiful description, bespangled with flowers of every hue. They ascended single trees, which being short distances apart presented the appearance of the most splendid columns, bedecked with every colour of the rainbow. The vines also formed around groups of low trees, and made bowers beautifully ornamented and impervious to the rays of the sun. The evergreens of Norfolk Island, one early writer declared, were not surpassed in richness of foliage by any in the world. Captain Wright in his perambulations discovered some coffee trees, citron and pomegranate trees and pines of immense size.

October, 1827—Twenty-five men were put in gaol for security, as there were rumours of an intended mutiny, and several of the convicts had been guilty of obstinacy and open grumbling; but the disturbance was not general enough to cause any alarm for the safety of the Settlement. On the 24th a notorious convict named Patrick Clench absconded for the second time and took to the bush. He found means to arm himself with a long iron spear such as had been used to spear the wild pigs with. Having secreted himself in the long grass by the side of the Longridge Road, close to where the Commandant passed daily in his visits to the fields and other places of labour, on Captain Wright's return in the afternoon, Clench sprang out and endeavoured to spear him. The captain, however, was an active man, and avoided the thrust with his stick, but being unarmed was obliged to retreat, which he did safely to the settlement. Clench pursued him for a considerable distance, but finding that he

could not overtake him, made off among the trees. On Captain Wright reaching the settlement, a number of the military and constables were sent out in search of Clench, but they could not find him. The next day Clench went into the ground where a large gang was at work, attacked the overseer with his spear and robbed him of his watch. None of the other convicts would join Clench, although he called to them, neither did any of the gang afford any assistance to the overseer, on account of the general dislike to him. Clench again made off among the trees, and nothing more was seen or heard of him until about 10 o'clock on the night of the 28th, when the cry of "Murder!" and "Clench is here!" was heard to proceed from the Civil Hospital, a thatched hut standing at a distance from any other building. The alarm instantly spread. Constables and soldiers surrounded the place, and Clench was shot dead in endeavouring to make his escape. His body was then dragged to the gaol and thrown on the scourger's stage, and on the following day the whole of the prisoners were marched past to see and take warning by his fate. To deepen whatever impression had been made upon the prisoners by this gruesome sight, the body was then thrown into a hole at the cross roads, near the corner of the bakehouse, and left there exposed. It afterwards appeared that Clench had been told that the man who had given the information against him had been placed for safety in the Hospital. He had sworn to take that man's life, and in endeavouring to do so had lost his own.

The year 1828 was not remarkable for any extraordinary event. The "discipline" proceeded with regularity; the officers and military went their daily rounds, seeking to make their own lives as happy and the lives of the prisoners as miserable as possible; there was the average number of

arrivals by sea and departures by death among the convicts, with all the intermediate work and suffering and sin. Capt. Wright was relieved as Commandant by Captain Hunt; Dr. Hartwell relieved Dr. Busby, and changes were also made in all the civil and military departments. The first stone of the prisoners' large barracks was laid, and the most successful crop of wheat the Island had yet produced was gathered, there being 45 bushels to the acre on 130 acres.

February, 1829—The schooner "Isabella" arrived with Captain Wakefield of the 39th Regiment to relieve Captain Hunt as Commandant; Lieutenant Burrows to relieve Lieutenant Kidd; troops of the 39th Regiment to relieve the whole of the 57th; Assistant Surgeon Steven to fill the vacancy occasioned by the death of Dr. Hartwell, which had taken place nine months after his arrival. Two of the military who arrived by this vessel were married men and brought their wives—the first women to set foot on the Island for upwards of three years. A draft of prisoners and a supply of provisions also arrived. Captain Wakefield's command, like that of his predecessors, was but short, yet the records say affairs went on smoothly and cheerfully; the coming crops of wheat and maize looked well; the public buildings proceeded apace; few complaints were heard amongst the prisoners, and the times of Captains Hunt and Wakefield are remembered as the "peaceable times."

May, 1829—The "Governor Philip" brig arrived with Lieutenant Colonel Morrisett and family, the Colonel to relieve Captain Wakefield as Commandant, Assistant Surgeon Ross to relieve Dr. Steven; Archibald McLeod, J.P., and family, Mr. Bennett, Superintendent of Agriculture, being relieved by Mr. McLeod. Captain Wakefield remained on the Island in command of the troops, and on

the day following the arrival the prisoners received a half-holiday in commemoration of Colonel Morrissett's taking command.

August, 1829—The schooner "Isabella" arrived with Lieutenant Spencer, he having returned to relieve Captain Wakefield in command of the troops ; a relief for a few of the military ; prisoners, provisions, &c. On her return, one of the prisoners was sent to Sydney to be tried for an attempt at murder. His name was Peter Fitzgerald, the charge against him being stabbing another prisoner named John Hughes on the 6th June previous, "by striking him in the belly with a knife while asleep in his berth." In November Peter Fitzgerald was sent back to the Island, having been acquitted. He subsequently became deranged and was kept in confinement. On Colonel Morrissett taking command of Norfolk Island, great expectations were cherished by the prisoners that he would bring some new regulations with him. Up to his arrival only one instance had occurred of a prisoner for life obtaining a commutation of sentence and no time was mentioned in which the well-conducted convicts could apply for such or any other indulgence. The formation of something like a "first class" had been announced 12 months previously, bestowing an eighth of an ounce of tobacco daily on such prisoners as were admitted, but those only in favour could obtain this indulgence. Colonel Morrissett gave the prisoners to understand that he was authorised to recommend any men of deserving character for commutation of sentences and that he would select from the records those who deserved it. This infused some hope, and several prisoners were by the next arrival commuted ; yet there was no proper regulation, and no time was mentioned as a probationary period, while the concessions made were unreliable. Some

English prisoners sent to the Island for life were admitted to head quarters after serving some 15 months, others 20 months, and several at three years. Many could not obtain this indulgence who were equally entitled, and continued on the Island for years afterwards. Then the cessation of two hours for dinner, which had been allowed by Captain Wright in the hot weather, was discontinued and one hour only allowed all the year round. Hominy made of maize was first allowed in Captain Wright's time for breakfast; it was now allowed morning and evening. The rations allowed for the working hands was as follows:—10 oz. flour, 10 oz. maize meal, 1 lb. beef or 10 oz. salt pork, 1 oz. sugar, 1 oz salt and $\frac{1}{4}$ oz. soap daily; the "first class" men and the overseers being allowed $\frac{1}{4}$ oz. of tobacco. The difference between the overseer's rations and the working hands was that the former were allowed 16 oz. of flour but no maize meal. Two suits of slop clothing per year were allowed to prisoners, the overseers being allowed a blue cloth jacket and an extra pair of shoes during the winter half-year. The half-yearly issues were 1st May and 1st November. The power of punishment enjoyed by the Commandant was extensive. He could for very serious offences sentence a prisoner to 300 lashes, give him any number of days in the cells on bread and water, the prisoner to be visited every day by the surgeon; he could sentence him to two years in the gaol gang in heavy irons, and give an addition of sentences on the Island of three years. All the above punishments were put in force at different times.

May 10th, 1830—The barque "Lucy Anne" arrived with Mr. Cunningham, botanist in the service of government, a draft of prisoners, and provisions. On the morning of the 21st, Mr. Cunningham proceeded to Phillip Island in a whale

boat, intending to stay a few days and collect such natural curiosities as were indigenous to the Island, taking with him an overseer and two men. The whale boat after landing the party returned to the settlement. At a late hour the same night eleven of the prisoners found means to elude the watchmen and escape from the camp. They then went and broke open the Commissariat stores, taking therefrom a quantity of provisions and wine; forced open the doors of the boat shed and launched a new whale boat and got her safe into the water, without their plunder, before they were discovered. They were then hailed by the sentinel at the settlement. In answer to his challenge one of them came forward and said that they had orders to go to Phillip Island to fetch Mr. Cunningham, and they then hastened back to the boat, in which they immediately pushed off. Seeing no officer with them the sentinel fired, but before the guard could turn out the prisoners had got over the bar and away. They then pulled to Phillip Island and robbed Mr. Cunningham of his provisions and valuables, not leaving him even a drop of water. Among other things they took a brace of pistols, a boat cloak, a canvas tent and the overseer's blue jacket. They then left the Island and pulled away to the southward. The next day it came on to blow hard with a very heavy sea, and there is very little doubt that they all perished. Mr. Cunningham was brought from Phillip Island a few hours after the runaways had left, extremely mortified at the loss of his watch and excellent chronometer.

September 8th, 1830—Twenty-five of the prisoners were confined on an information for conspiring to take the boats whilst unloading the vessel. After a few days they were released to work in the gaol gang, from which four of them made their escape and took to the bush, then making to

Longridge, where they robbed Mr. McLeod's cottage of a fowling-piece. They then went in search of the chief constable, whom they found with a man named John Daisley, who had given the information against them and who was then going to show the chief constable where they had secreted some plunder. As soon as they came up to the chief constable, one of them (William Hanson) presented the piece, and would have shot him but it fortunately missed fire. The chief constable made his escape with difficulty, but Daisley, the informer, was severely beaten and left for dead. The men gave themselves up the next night to the authorities. They were tried for the offence a few days afterwards, received 150 lashes for the attempt on the chief constable and for beating the informer, and, with 25 of their companions conspiring to take the boats, they each received sentence of six months in the gaol gang. The same month John Cook, William Bull and James Murphy murdered their overseer, Adam Oliver, as he was taking them from gaol to their work after dinner, just opposite the Lumber Yard gate. They killed him with the spades they were carrying on their shoulders to work with. John Cook first knocked him down and the others beat him till dead. They immediately gave themselves up to the gaoler. Oliver was not the man they first intended to murder, but another overseer named Jakeman, who in general had charge of the gaol gang and who was much disliked by them. It happened that on the day in question Jakeman was relieving on some other duty in the afternoon and Oliver was sent in his place. This man was also much disliked by the gaol gang, and it was supposed that as they had bent their minds on murder they seized the opportunity of killing one of the two. On the 16th another murder was attempted by a prisoner named John Walsh

creeping from the berth where he slept and going over to the berth of another prisoner and plunging a knife into the pit of his stomach. Fortunately the man did not die and knew the would-be assassin, who was clearly identified and, with the murderers of Oliver, fully committed to take their trials at head quarters. They were forwarded to Sydney in November. These murders were committed by the men, with the sole object of being sent on to Sydney.

December 23rd, 1830—The "Isabella" schooner arrived with Assistant Surgeon Gamack to relieve Dr. Ross, J.P., also a notorious overseer named Isaac Shaw, he being then a free man. A few volunteer overseers arrived by this vessel, which sailed again on the 25th, being the quickest return ever known at the Island. The left wing of the prisoners Barrack having been completed, 150 prisoners were placed there this night to sleep, each man having a hammock and blanket. The men were in double tiers or rows in each room, one over the other, the breadth allowed for each hammock being 20 inches, and the distance between the top and bottom hammocks being three feet. Each room had windows on both sides, by which means it was always well ventilated. Two watchmen were placed over this wing at night to give alarm should any attempt be made to break out, or other occasion require it. Shortly afterwards the centre half was completed and the remainder of the prisoners were placed in Barracks to sleep.

January 3rd, 1831—Seven of the prisoners contrived to remain out of Barracks this evening by getting some of their companions to answer "here" when their names were called, the system of muster being then to stand at the door of each room and call the men's names, so that it was easy for any man to answer "here" for another. The men who thus

x

contrived to remain out, when it grew dark went to Longridge, where they were joined by another by the name of Laurence Cleary. They then secured the constables and two men who had charge of the tools, broke open the tool house, and took away 59 reaping hooks and nine pitchforks, which they brought to the back of the barracks. They then made an attempt to secure the watchman, but he, having seen something move just before they sprang on him, escaped and gave an alarm. The Commandant and a party of troops immediately proceeded to the barrack and mustered the men, but owing to the imperfect way in which the Roll was called, no one was found to be absent. The Commandant ordered the watchman to gaol for giving a false alarm and returned to Government House, dismissing the troops to their quarters. Scarcely, however, had the Commandant reached Government House, when the Chief Constable crawled up to the door, severely wounded and bleeding, and stated that he had been attacked by 70 or 80 men all armed with pitchforks and other weapons. A second alarm was then given, the Commandant returning with the troops to the barrack and despatching a party of constables to Longridge.

He then ordered the barrack to be again mustered by Mr. Nicholson, the Superintendent of Convicts, and Sergeant McClusky. After a second and still imperfect muster, three men were missed. The Commandant then ordered the watchman to be released. By this time the constables had returned from Longridge and reported that the tool-house had been broken open and robbed of all the tools, and that they found the constable and two men that had charge bound, their hands behind them, and who declared that they had seen eight men. Two sentinels were now placed on the barrack for the remainder of the night, and at daylight

Captain Sturt came with a party of soldiers and mustered the prisoners, causing a Sergeant to look every man in the face as his name was called. By this means the seven men who had absented themselves were discovered, and on searching round the back of the Barrack the whole of the tools stolen from Longridge were found. Thirty of the absentees were also discovered in the long grass. Search parties were at once sent in all directions to look for the other five who were still missing, but these gave themselves up to Mr. McLeod and were immediately sent to gaol. Upon an examination into the circumstances connected with this affair, it turned out, upon the confession of one of the parties, that their intentions were to have liberated the prisoners from the Barrack and then attacked and set fire to the military stockaded garrison, destroying everyone that opposed them. It was arranged that a man was to go to each of the soldier's huts and set fire to it by some tinder, and it being a dark night, no light would have been seen until the huts were in flames and the stockade surrounded by men armed with reaping hooks and pitchforks. The slaughter of men, women and children would have been dreadful if this diabolical scheme had succeeded. The watchman who first gave the alarm and was imprisoned, subsequently received a ticket-of-leave for his alertness. It appeared that after the alarm was given by the watchman, the absentees ascertained that no suspicion existed, as the Barrack had been mustered and no one missed. It was about that time they fell in with the Chief Constable and endeavoured to murder him to prevent a second alarm being given. They also knew that the watchman had been sent to gaol; and this raised their hopes of getting the Barrack open. The escape of the Chief Constable, whom the darkness of the night and the long grass

befriended, prevented their plans succeeding. The Commandant had observed the absence of the Chief Constable when the Barrack was mustered, but as his duty led him to all parts of the settlement at uncertain hours in the night, his absence excited no suspicion. An investigation into the circumstances was formally held, when the seven prisoners who had been absent were fully committed to take their trials for the attempted murder of the Chief Constable.

February, 1831—Isaac Shaw was made Chief Constable in place of George Grover, who still continued very ill from the wounds he had received. Early in the month, the Commandant received several informations that the prisoners were in a state of great excitement, almost amounting to open rebellion. Other informations reached him, to the effect that the tyranny of the overseers was driving the prisoners to mutiny. The Commandant in consequence ordered pen, ink and paper to be furnished to the prisoners to depute some among themselves, who were able from personal experience and ability to instance and describe the oppression complained of. Accordingly a letter was composed by some of the prisoners who said they represented the whole of the malcontents. This letter accused the Commandant, Colonel Morrisett, of having deprived the prisoners of their gardens, which they prized above everything. It also contained charges of tyranny against the overseers who were supported by their superior officers, and formally demanded that the tyrants, who were generally "indulgence" convicts, should be dismissed. It was a bold thing for these prisoners to do, especially as they knew that their judges would be the very men against whom they lodged complaint. When the Commandant received the letter he called the officers and staff together and asked them if they did not think it was

simply "the disconsolate composition of a few badly-disposed and dangerous men," and not a formulation of the complaints of the prisoners generally. It goes without saying that the court was unanimous in saying "Yes" to the proposition of their chairman, and after consultation it was agreed to try and catch the malcontents in their own trap. The Commandant declared that the order to deprive the prisoners of their little gardens came from head quarters, in consequence of the many unfavorable reports he was compelled to make of the general conduct of the men, and that he would never have thought of punishing the prisoners in such fashion. We can imagine the officers putting their hands to their regulation caps and crying in chorus "Right! Colonel, yer Honour!" The Colonel then ordered that as many of the prisoners as chose should attend at the Police Office the following morning to hear the letter read and declare whether they were the authors of or subscribers to it. The Commandant was a joker of the very first water. It was simply asking the men to put their heads into the hangman's noose, or to bare their backs for the scourger! About 200 of the convicts attended in front of the hall of justice at the hour named, "well-guarded," as the official account runs, "by the military and constables." Captain Sturt then came forward and in an audible voice read the letter, desiring those who had witnessed the writing and assented to it to step forward. Let an official pen give the reader an account of what followed:—"At first no one would come forward; everyone seemed anxious not to be seen. At length about 12 came, or were rather pushed out, and in a stammering, confused way declared themselves the writers and authors. They were, as expected, some of the worst characters on the Island. Captain Sturt, with a frown of disdain, ordered

them among the others and in a suitable and forcible manner pointed out the degraded state of the men who had acknowledged themselves as the compilers of the letter—sunk almost below hope, they wished to make all others as hopeless as themselves; but the Captain could plainly see, as well as the Commandant, who was present, that the prisoners with very few exceptions were very ignorant of such a letter having been written. The Captain explained the matter of the gardens being taken away and expressed an opinion that they would be restored. As to the tyranny of the overseers, no such thing was tolerated. Well-grounded complaints of such facts would be attended to, but the prisoners would at the same time understand that the necessary and local discipline of the Island should be supported and enforced by all lawful means that might be found necessary. With this suitable admonition to all, and desiring those who had come forward as the authors of the letter to be very cautious of their future conduct, the Commandant ordered them to be dismissed and sent to their usual labor." Comment upon this peculiar transaction is not necessary. It was on a par with all other official proceedings at Norfolk Island.

May 23rd, 1831—The "Queen Charlotte" brig arrived with provisions. When this vessel was lying off the Island a most unfortunate accident occurred. A musket belonging to one of the soldiers exploded and "went off unawares," mortally wounding the Captain, whose name was Anthony Rolandson. The wounded man was immediately brought on shore and taken to Government House, where every care and attention was bestowed upon him. But he expired ten days after the accident, and was interred very respectably in the burial ground of the settlement, a handsome tombstone being placed over his grave describing the lamentable occurrence.

October 15th, 1831—The ship "Louisa" arrived with Dr. Davies of the 39th, and Lieutenant Burrows accompanying the escort. This vessel brought back the eight men who had remained out of barracks and attempted to murder the Chief Constable on the 3rd of January to be dealt with in a summary way by the Commandant. The men were tried and received the sentence of 300 lashes each, and to be confined in gaol for the remainder of their lives.

January, 1832—The first stone-built garrison opposite Government House was inhabited by the detachments of the 4th and 39th Regiments.

April 9th, 1832—The brig "Governor Phillip" arrived with Mr. Webb as Superintendent of Convicts, to replace Mr. Nicholson. Doolan, the man who attempted to murder Thomas Smith, was sent down to be executed on the Island. This was the first man hanged on the Island since its re-establishment. A military guard was this month sent out with the gaol gang and continued.

May 29th, 1832—About 5 o'clock, a violent internal motion resembling the shock of an earthquake took place. Several huts were thrown down and many of the officers and others declared their houses were shaken so violently that they thought they would be overthrown. Several buildings, especially the military barracks, trembled so that the inmates were expecting they would fall. The dry quarry, a huge mass of rock, was observed to move; the bells at Government House rang violently for several minutes, the house shaking so much that all the occupants ran out, and Mrs. Morrisett fainted at the door; the large bell which called the prisoners to quarters, sounded several times, and everyone on the Island was alarmed. The shock lasted six or seven minutes. The

officers interpreted the visitation as a mark of Heaven's displeasure at the conduct of the prisoners. The convicts said it was Heaven's condemnation of the tyranny of their officers!

During the succeeding months of this year several vessels arrived, bringing prisoners and stores, at the rate of about one vessel per month.

May 29th, 1833—This day 17 men made their escape in one of the large boats employed in unloading the two vessels then in the Bay. The large boat had left the "Isabella" for the evening, it being then 4 o'clock, meeting on her return the small boat going to the "Governor Phillip," her last trip that day. The large boat had on board 50 or 60 bags of maize, which she had called alongside the "Phillip" and taken in. The men in the small boat rowed alongside the large one, jumped out of their boat into the other, taking all the oars except one and every other portable thing, leaving the two coxswains and one prisoner to get on shore as best they could. It was quite a calm at the time and the two vessels were not more than a mile distant when the affair happened, but they could not pursue or prevent them. The prisoners gave three cheers and pulled away to the north-east. Towards night a slight breeze sprang up, and both vessels made sail after them in different directions; but after spending three days in useless search on the ocean they were forced to return. A period of squally weather for several days succeeded the departure of the boat, and it is thought that she must have foundered, although a rumour was afterwards circulated that the prisoners reached the Society Islands and had been seen and recognised in both places by men who had been prisoners on the Island.

September 11th, 1833—Arrived the private ship

"Esther" with His Honor Mr. Judge Dowling and a special commission to try three men for the murder of a prisoner named John Dinsley, who had been nearly killed on a former occasion (September 12th, 1830) for giving information. The perpetrators of this murder were found guilty and hanged on the 13th. This vessel also brought prisoners and stores.

January 15th, 1834—This day was rendered remarkable by a rebellion on an extensive scale. Various "informations" had from time to time been given, and it had been evident for several weeks that an outbreak would take place, although the day fixed for it could not be ascertained. The military had been on the alert night and day, sleeping, or rather lying down, with their arms beside them for a month before it burst out. Small parties of prisoners were everywhere seen, when opportunity offered, whispering and consulting together, the constables and overseers not liking to disperse them for fear of the consequences to themselves. They paid very little attention to their work, and a general stupor seemed to hang over the place. Several lists containing 200 and 300 names were forwarded to the Commandant as being the men who were known to have sworn to join in endeavouring to take the Island. The gaol was already full of men sentenced to the gaol gang and to different periods of imprisonment. For about a week previous to the attempt being made there seemed to be a better feeling among the men, many appearing to work more cheerfully, while those who could not or would not work went to the hospital in the morning and endeavoured to get exempt for the day. In this way the hospital gang increased in size daily, but no suspicion was excited. On the morning of the 15th, the gangs were mustered and left the Barrack yard as usual, going in an orderly manner to their work.

although about seventy went to the hospital, where they were safely received, and the gates were shut by the constable in charge. Immediately on the gates being shut the prisoners secured the place inside and shut up all the attendants, taking the overseer's blue jacket off and putting it on one of themselves. Those who had irons on secured the axe belonging to the place and knocked them off. In about half-an-hour, as the guard was coming down the road to take the goal gang to their work from the gaol, the party from the hospital marched out, with one who had the appearance of an overseer at their head. Arrived at the corner of the gaol, as the guard proceeded to the entrance of the place to receive the gaol gang, the hospital party attacked them and succeeded in getting possession of two muskets. The intrepidity of the Corporal in charge, however, soon turned the scale. The hospital party expected that the gaol gang would rush out to their assistance as soon as the attack was commenced, but some unforeseen circumstance delayed them some minutes longer than usual, and the gallant Corporal, seeing where their chief dependence lay, shot the first of the gaol gang that came out of the door and immediately charged the others back, wounding two of them. This caused the hospital party to falter and renewed the courage of the guard, and as several others of the mutineers fell the cry was raised, "The military from the garrison are coming!" This put the assailants completely to the rout. Many were shot at different parts of the settlement, the majority of the prisoners making for the Barrack yard as a place of refuge. In the meantime the Longridge gangs having reached that place and received their tools preparatory to going to work, with these tools broke open the tool house, and armed themselves with pitchforks, reaping-hooks, &c., and about 100 of them,

with the cry of "Death or Liberty," made all haste towards the Settlement, thinking to be in time to assist the hospital party. But they were too late. The rebellion had been crushed before the Longridge men reached the top of the hill which overlooked the Settlement. On arriving at this hill they gave three cheers, expecting to be exultantly answered by the settlement men; but no answer was returned, and the first thing that attracted their attention was a party of the military from the garrison coming hastily up the hill in pursuit of them; they therefore took to flight immediately, some running into the bush and hiding themselves in the grass. About 20 were taken within an hour, and the greater part of the others before night. On mustering the men that night, 40 were found absent, including 8 killed and 10 wounded. Next day all but six were secured of those who were missing. On the 18th a most unfortunate circumstance occurred. A party of the military and constables were sent out in search of the six absentees, and when passing through some standing maize, the musket of one of the party went off and killed a constable named Constantine and a soldier, the ball passing through the bodies of both, the two falling dead simultaneously. The men were walking one behind the other when the accidental shot was fired, and the soldier whose piece went off was about two yards before them. The six runaways were subsequently taken, one being shot at the time in endeavouring to make his escape. The whole of the prisoners being now securely lodged in the barrack and gaol all work was suspended for some weeks, in order that a searching examination into the circumstances might be made. Captain Fyans, acting for Colonel Morrissett, who was then indisposed, conducted the inquiry. It appeared clear from the evidence that the rebellion had been carefully arranged

long before it broke out. The prisoners had determined sooner or later to make the attempt, and fully expected that it would prove successful. About 50 of the men were fully committed to take their trials for the capital offence, and 150 others were heavily ironed and kept together on a chain cable, to be summarily dealt with. These latter were daily marched out, dragging the chain cable along with them, and made to go through a variety of irksome positions—extending their arms, dressing and undressing themselves, &c.—for several hours at a stretch, “as a punishment, and to occupy their time as much as possible from entering into fresh plots.” In this manner they were disposed of until the arrival of the judge who tried them.

April 17th, 1834—The schooner “Isabella” arrived bringing Major Anderson, K.M., 50th Regiment, as Commandant to relieve Captain Fyans and succeed Colonel Morrisett. Major Anderson’s first act was to reconsider and examine all the evidence and witnesses connected with the recent mutiny and transmit the documents to head quarters.

July 9th, 1834—The “Alligator,” sloop of war, arrived with His Honor Judge Burton and a special jury to try the mutineers. Thirteen of the prisoners were found guilty and subsequently executed, seventeen others being “capitally respited in irons,” while a great many of the remainder were dealt with in a summary way by the Commandant. Whether the playful exercises on the large cable formed part of their employment after the trial is not recorded.

Between July, 1834, and May, 1835, no event of extraordinary interest occurred, but during the early part of the last mentioned month a rather sensational incident took place, furnishing food for conversation amongst both bond and free residents of the Island for many days succeeding.

On the 14th the private schooner "Friendship" arrived with provisions, &c., for the Island, and made fast to the Government moorings off the settlement. The vessel had been lying thus for two days when it came on to blow fresh from the S.W., with a heavy swell, the wind and sea "dead on the land." On the previous evening she was noticed to ride well, but as the wind increased towards dusk it was found dangerous to get under weigh. On the following morning (being Sunday) at daybreak the vessel was seen at the buoy, having "rode out" the night in safety. It was still blowing hard and those on shore saw that the moorings had given way in some part, as the schooner was dragging them to leeward and fast approaching the shore. Still it was considered there was no danger, if the vessel were at once got under weigh, for she could have passed with safety between Norfolk Island and the Nepean with the wind; but to the astonishment of the watchers, no one was to be seen on deck and every moment rendering the chances of saving the vessel less. At last, but not until the heavy swells rolling in before the breakers had caused an unusual motion on board, the crew appeared on deck, and their surprise and consternation may be more easily imagined than described, for instead of being safely at anchor with the moorings, they found their vessel close to the reef, dragging the buoy of the moorings after her. To make sail windward and get off land was now impossible, for the outward surf was seen curling outside the ill-fated ship. Nothing less than the loss of all hands when she struck was anticipated. Fortunately, however, the reef opposite the settlement was a flat surface of rock, and it being high water the hope was raised that the sea would throw the vessel on the reefs and not dash her to pieces outside. It was seen that the fore and aft main-sail,

close reefed, and fore stay-sail had with difficulty been hoisted to press the vessel on her broadside in order that she might not draw so much water when she struck, and thus afford a better chance of being hove up on the reef. She now came into the breakers, which swept completely over her, burying her and all on board in a mass of angry water. A second and third wave went over her, and then she struck the reef, the mainmast being carried away. The next sea "hove" her high upon the reef in about six feet of water. Still the surf rolled dreadfully around and broke over her, although the position in which she was thrown on the reef was of itself extremely fortunate, for she lay broadside to the surf, thus causing a good "lea" on the inshore side. Although every sea reached her, yet the waves could not move her from the position. A number of the prisoners ran to the beach opposite the point where the vessel had struck, and these dashing into the water the moment she was on the reef, succeeded in getting along the reef to within 60 or 70 yards of her. But they were here met by the surf, which rolled heavily on the outer ridge and curled round the vessel like a whirlpool. Every succeeding wave would for a few moment leave a temporary smooth round the vessel's lea side, and the mast having fallen so as to reach half way to the spot where the most daring prisoners had ventured five of them plunged into the "drawback" at the risk of being carried outside the reef, and succeeded in catching hold of the mast, which hung by the shrouds to the vessel, and by this means got on board. There they found all on board in deepest distress and despair. Some of the females and children were below, standing up to their waists in water and screaming for assistance, one lady, Mrs. White, the wife of one of the passengers, having a young babe in her arms. The crew were afraid to bring these

women and children on deck on account of the surf, which still broke heavily over it and would have washed them overboard, and they seemed too intent on their own preservation to render any assistance to the helpless passengers. The prisoners from the shore, however, as soon as they learned where they were, went below and brought them on deck, holding them fast by the rigging, and intending if no assistance could reach them in the shape of a whale boat, to seize the first favourable opportunity offered by a receding wave and swim with them to the shore. One man had actually stripped himself and was preparing to tie two children to his back when a whale boat was seen coming over the reef. Two of the prisoners now got the topsail halyards, and seeing the boat could get no further without a rope to haul her through the curling surf, crawled along the mast to the whale boat, which was then, by the aid of the rope, hauled alongside, and by this means, although at the expense of many severe bruises to the rescuers, all on board were saved, as well as most of the property the vessel contained. The vessel's hull being extremely well built, she held together till low water, which left her "high and dry" on the reef. She was eventually broken up on the beach where she was hauled after being lightened. In recognition of their bravery and valuable services, some of the prisoners had two years of their respective sentences remitted, while others received some trifling rewards, such as being put in the first class, which entitled them to seven-eighths of an ounce of leaf tobacco per day!

August 1st, 1835—An accident happened to one of the whale boats working at unloading the "Isabella," which had arrived with a general cargo, the sea being very rough, some heavy rollers occasionally coming over the bar. As the

first boat was returning from the vessel, a heavy surf upset her just as she got to the bar, and one man was drowned. The Commandant then ordered the boats to be hauled up, considering it unsafe to allow them to go out any more that day. Towards the afternoon, however, the sea being smooth and there being little wind, the boats were again launched; but the first boat on her return was swamped outside and one soldier and a prisoner were drowned before assistance could reach them. The sea for some hours had been as smooth as a mill-pond and no danger whatever was apprehended, and everyone was astonished and grieved at this untoward event.

December, 1835—The "Governor Phillip" arrived with His Honor Judge Plunkett and a special jury to try two men, one for murder and the other for an attempt at murder. They were both found guilty and executed on the 25th inst. December 17th arrived the "Isabella" with prisoners and provisions.

January 9th, 1838—A desperate party of the prisoners, three in number, named William Storey, Michael Byrne, and Hugh Hughes, absconded from their work at Red Bank to the bush. They were immediately pursued by a party of constables and overtaken at Drummond's Farm, about two miles from the settlement, where a desperate fight took place, in which several of the constables were wounded and one of the runaways, Storey, was killed; the other two were secured and lodged in gaol. Byrne and Hughes received 300 lashes each and were sentenced to 12 months in irons.

For the space of two years from this time no event of great importance occurred. There were frequent arrivals of fresh provisions, frequent changes of military, and a few changes in Government; but the old monotony of crime and suffering continued. One marriage is recorded—that of Mr.

Perry, Police Office Clerk and grandson of Lord Limerick, and Miss Sheafe, sister of one of the militay officers. Revs. McEncroe and Gregory, Roman Catholic priests, visited the island, and were followed by the "Lord Bishop of Australia." Major Bunbury succeeded Major Anderson as Commandant, and matters proceeded as smoothly as could be expected in such a place until an attempt was made to introduce an entirely new system of management, which will be fully described in subsequent pages.

During the winter months the prisoners were called out from their crowded wards long before daylight, each one to carry his bed into the yard to be aired—no regard being paid to the character of the weather. They were then fed and marched out in gangs under overseers, whose characters were generally a reflex of the superior animal under whom they served. Under the rule of men who knew no mercy the life of the convicts on the Island was one unceasing round of suffering, and not a few sought relief from the horrors of their situation by taking their own lives.

The evidence taken before the Select Committee of the House of Commons in 1838 lets the light fully into this dark chambers of horrors, and to it we may turn with certainty of finding that which, though it shocks and sickens, cannot fail to interest us :—

Major Thomas Wright, who was Commandant at Norfolk Island for nearly two years, told the following story :—
'When I was there (1828) there were from 200 to 300 prisoners under my command. We had 60 or 70 soldiers. The convicts sent to the Island were what are termed 'out-and-outers,' that is, those who have either been condemned in England as capital felons and pardoned, and are capital transports, convicted and sentenced to be transported for life ;

and also persons who had been a second time convicted capitally in New South Wales and transported from thence, together with other criminals who had smaller sentences, but whose crimes were considered very bad. The greater number were what were termed 'transports for life.' For rations they were allowed 1 lb. bread and 1 lb. meat, and a little soap for cleansing themselves, but they could grow vegetables, as they had each a garden. I should think that at least half of them were worked in irons. They were put into gangs, which gangs were perpetually varied as the labour required; sometimes 30 or 40 would be on one spot. The Island is the most beautiful spot in the world, remote from any other land, and inaccessible all round excepting two points. Just before I went there the prisoners rose and took the Island from the preceding commandant, broke down the stockades, murdered the guard, captured the boats, and the whole body made over to an island about seven miles off. The officer patched up his boats with tin after they had absconded, and he and his men pulled over to the island and carried it by assault. When I was commandant they attempted to murder me and take the island. When I went down I attended personally to the labour of every department and stopped many days superintending the works from morning till night of every party concerned. I took out my watch on the spot and allowed the men to work for a certain time, and then gave them 10 or 12 minutes rest every hour until I had ascertained what quantity of labour every man could perform without tyranny; because my duty was to punish them for idleness, and I conceived it impossible to punish a man for idleness unless I had some scale by which I could judge what they were capable of effecting. During the first month there was no end to the artifices which they had

recourse to avoid labour and impose on me ; and at the end of the month I told them that what had been done had been done by design, for the sake of making myself conscientiously acquainted with what they could do, and what they ought to do, and from that time henceforth I would make them do it. The consequence of this proceeding of mine (together with the absence of the superintendent of agriculture, who was in Sydney on a charge of murder) was, that I was constantly observing their labours in the field, and once, while returning from so watching them, a man waylaid me and endeavoured to murder me on the road with a club which he had. He was a man who I had never seen or punished before ; I escaped, however, and he took to the bush. Several persons then came forward and gave information that there was a conspiracy breeding to take the island and murder us all, and to escape in the next ship which should bring prisoners down from Sydney. I arrested the parties concerned, and the two ringleaders were the men who had been leaders in the previous mutiny, but pardoned. None of the men were punished corporally, *that I recollect*, for their concern in this mutiny. The man who had attacked me with the club was shot three days afterwards. He came down in the dead of the night from the bush into the settlement ; I was just going to bed ; two shots were fired by the sentinels in the stockade, and the alarm was given that the prisoners were mutinying and going to attack the garrison. The whole detachment was turned out and I put on my things as fast as I could and ran out ; we could not tell whence the disturbance proceeded, it was so excessively dark, but I told the lieutenant to remain in the garrison with the main body of men, while I would take 20 men with me and a bugle, and I should make my way to the guard at the settlement, about half a mile off, to

support them, because they were the guard over the stores and everything we had to live upon, for there was nothing in the world on the island and we lived entirely upon the supplies from Sydney, except the maize corn which we reared. When I arrived I found everything tranquil at the settlement. I went round the prisoners' encampment and found a general disturbance, the men singing out "There he goes; there he goes; stop him! now he is going for the wheat." I said 'Who is going? what do you mean?' A voice called out 'It is Clinch, sir,' (the name of the man who had attempted to murder me); 'he has come from the bush and has been attempting to murder the superintendent of the hospital, and is stowed away among the bulrushes.' These bulrushes were in a large bog which surrounded the camp, I called to a sergeant and half a dozen men to go in and secure him. Clinch was armed with a pole, the tail of a hoe, about five feet long, and at the end of it he had a carving knife, about a foot long, stuck into it for a bayonet. He nearly murdered the corporal of the picket who fell in with him; the corporal cut at him with the sabre, and the men seeing as they thought the corporal in danger fired at Clinch and shot him. When I came to Sydney a year and a half afterwards I was prosecuted by the editor of the *Sydney Monitor* on a charge of murder trumped up by the prisoners or others and transmitted to him. They tried to make it appear that I had ordered the man to be shot. I was tried, and without being called upon for my defence was acquitted. The convicts were very ready to betray each other. They are the most treacherous beings on the face of the earth. No tickets-of-leave are ever given at Norfolk Island. The convicts committed every species of offence among themselves, and upon the stores, and under all circumstances; there was nothing to be got at

to rob that they would not steal. The punishment was summary when brought up; I used to give them 50 lashes and send them away about their business. We had only three solitary cells there, but I do not think solitary confinement has much effect upon them; one-third of them, provided they did not work and were well fed, would just as readily lie like dogs all the year round. The cells were not much larger than dog kennels—so small that I did not practice solitary confinement; I put them in for one or two months, but for no longer periods. The solitude was absolute, and it must have been tolerably dark in the cells with bars over the front of the small window. It made no improvement; a man came out, and in half an hour he would commit a robbery if he had a chance. The prisoners' creed was never to throw away a chance of committing a robbery without being detected. I adopted the plan of never pardoning when there was a conviction. I said 'I shall make one rule; you shall have the fairest and clearest trial; you shall get out by every quibble you can; but if you are once convicted, on my soul the punishment shall follow.' Some boys were sent to the Island; they conducted themselves pretty well, not being so desperate and reckless as the old hands. There were no means of religious instruction while I was there. I was the clergyman; I read service and *preached them a sermon* every morning. I assembled them together and had them cleanly dressed, brought them into the gaol yard and had them in clothes and their persons thoroughly cleaned. I opened their ranks and went down the front rank and rear rank, and sometimes, as it had been my habit to do as an officer, made them bare their shirts and necks, so that I could see if their bodies were clean; sometimes I used to make them pull up their trousers above their knees to see that they had washed

their legs. After this I marched in the military under arms and then I had a table put in front, and I used to read the prayers, and generally one of Blair's sermons, or any other that I had. I do not think the punishment at Norfolk Island produces the least reformation; the horror they may have of going down there may make them more cautious of committing crimes, but I do not call that reformation. I never saw anything like penitence or religious feeling. When Captain Donaldson went down to Norfolk Island, he wrote to General Darling stating that he had observed a great spirit of amendment among the prisoners, and a great proneness to religious exercises, and that he thought it would be a useful thing to send down a number of Testaments, Bibles, Prayer Books and religious tracts, and accordingly the very next ship brought a chest full of Bibles, a chest full of tracts, and a chest full of Prayer Books. The convicts are excessively quick in what they call 'twigging a man'—that is finding out his propensity, and immediately accommodating themselves to it, and becoming religious. Captain Donaldson gave them the books, and they used of a Sunday to get out and put themselves in a conspicuous situation, that he might see them from the garrison reading; and he concluded the books were a relief to their solitude, and had done them good; yet at this very time these men were concocting the mutiny which subsequently took place under him. The prisoners are great hypocrites; they will affect any character that suits their views or their ends."

Rev. Dr. Ullathorne gave this testimony:—"I twice visited Norfolk Island—once in 1834 and again in the end of 1835; I went to administer religious consolation to the condemned in the conspiracy of 1834. It was a conspiracy to take the Island from the military and to obtain their freedom,

That conspiracy was planned with considerable ingenuity ; it was planned that a greater number of prisoners than usual should report themselves sick, and those were separated from the rest and were placed in a room of the hospital for examination by the surgeon ; others were to arm themselves with implements of husbandry and to proceed down, while the third party, who were then proceeding to their labour, should turn upon the guard. The party suddenly assailed the guard, those who were in the hospital broke out, having broken off their chains, and the third party was proceeding down, but did not arrive in time. A skirmish ensued, one or two persons were slain upon the spot, and I believe 11 or 12 were dangerously wounded, six or seven dying of their wounds afterwards. The consequence was that a great number of them were implicated in the conspiracy, and a commission was sent from Sydney to try them. In this case 31 were condemned to death. Some six months afterwards I proceeded from Sydney for the purpose of attending those who were to be executed, and on board the same ship was a Protestant clergyman likewise. On my arrival I immediately proceeded, although it was very late at night, to the gaol, the Commandant having intimated to me that only five days could be allowed for preparation, and he furnished me with a list of the names of the 13 who were to die, the rest having been reprieved. I proceeded therefore to the gaol, and upon entering I witnessed a scene such as I certainly never witnessed in my life before. The 31 men were confined in three cells. They were then mixed together, and were not aware that any of them had been reprieved. I found so little had they expected the assistance of a clergyman that when they saw me they at once gave up a plot to escape which they had very ingeniously planned, and which might,

I think, have succeeded, so far as their getting into the bush. I said a few words to induce them to resignation, and then stated the names of those who were to die; and it is a remarkable fact that as I mentioned the names of these men who were to die they, one after another, as their names were pronounced, *dropped on their knees and thanked God that they were to be delivered from that horrible place*, whilst the others remained standing mute and weeping. It was the most horrible scene I have ever witnessed. It had been a very common thing with us to find prisoners on their way to the scaffold thanking God that they were not going to Norfolk Island. The Rev. Mr. McEncroe attended 74 executions in the course of four years, and during that time he remarks that the greater number on their way to the scaffold, and upon the scaffold, thanked God that they were not going to Norfolk Island. The cells where these 31 men were confined were exceedingly small, so much so that I found, even at night, when I came there, the men had flung off their upper garments for the sake of coolness. Crime in Norfolk Island is proverbial; there are designations, which show at once its enormity, in the mouths of the prisoners. I was very much struck, indeed, with the peculiar language used by prisoners. When a person had been conversing with me respecting another individual, he had designated him as a good man; I suspected that he did not mean what he said, and on asking an explanation he apologised and said that it was the habitual language of the place—that a bad man was called a good man, and that a man who was ready to do his duty was generally called a bad man. There is quite a vocabulary of terms of that kind, which seem to have been invented to adapt themselves to the complete subversion of the human heart, which I found subsisting. The outward appearance

of the great body of convicts was very shocking. When I have gone down in the morning, at 6 o'clock, to my duties to the convict barracks, and have seen from 1,100 to 1,200 of them filing out to work I have been very much struck indeed with the shocking appearance of the prisoners—the general haggardness of their features, and the hard and fixed traces of crime upon their countenances. Crimes of violence were frequently committed on the Island. A very considerable improvement has taken place of late, the causes being the efforts made by religion and the indefatigable exertions of the Commandant, Major Anderson. Whilst he was severe upon those who persevered in their crimes, he was always ready to reward and encourage those who exhibited any improvement. When a prisoner had distinguished himself by good conduct for a certain time, generally one chain was taken from one leg; if he continued for a certain period longer, say 12 months, a lighter chain was given; after that the chain was removed altogether. In cases where prisoners conducted themselves remarkably well they were altogether removed from the rest, and assigned as servants to officers, or employed as shepherds, or in some situation separate from the great body. I appointed a course of prayer for the men on my first visit, and a course of instruction, and established a school and left books, that those who could not read might, in the hours between labour, instruct themselves; and the consequence was that upon my second visit I found that between 60 or 70 persons had learnt to read, and such was the anxiety which some of those men evinced to instruct themselves, that they were actually repeatedly observed, when dragging their carts, spelling their letters at their work."

In a work which was written by the same gentleman, and in which he deals with the crimes committed in penal colonies, occurs this passage:—"There is another class of crime too frightful even for the imagination of other lands, which St. Paul, in detailing the vices of the heathen, has not contemplated; which were unknown to the savage until taught by the convict—crimes which are notorious—crimes that, dare I describe them, would make your blood to freeze and your hair to rise in horror upon the pale flesh." Before the Committee he said:—"I have gone through a great deal of pain and torture of mind in consequence of the horrors which I have witnessed in the colonies and particularly in the penal settlements, and I have such an intense conscientious feeling upon that subject, and of the result of those evils, in the thorough breaking up of the moral man, which ensues from the crime, that I would do anything that is lawful—I would even deliberately give my life if I could in any manner lawfully contribute to the removal of that evil. I allude to unnatural crime. I am convinced that wherever a number of bad men are brought together and continue together for any length of time, and are crowded together there is a great deal of that crime. I believe it exists in the Barracks at Sydney. The effect of permitting the boys to mix with the men in the day is very bad—the moral contamination upon the boys is very great indeed. I observe that generally there are from 16 to 20 boys arrive in a ship with the men. I used to caution particularly young boys, on the very day of their arrival, of the temptations to which they would be subject in the Barracks; and I remember in one instance being told by a boy, a very young boy, he could not be more than 10 or 12 at the most, that that very morning he had been attacked by a man at the Barracks. The boys

were frequently designated by female names in the Barracks. It is impossible that these crimes should cease so long as they are crowded together. When I^d returned from Norfolk Island (where two men who were sentenced to death declared that two-thirds of the island were implicated in the crime) I suggested what I thought would be a means of preventing it to a considerable extent. I proposed that the prisoners should each be separated from the other by a sort of boarded partition; that there should be two lamps, one suspended at each end of the apartment; and that there should be likewise two watchman in each apartment—one at each end, and that no communication whatever should be allowed between the convicts, and no words spoken during the night."

Many other testimonies might be given to shew the depth of depravity existing in Norfolk Island, all bearing in the same direction—indicating that the unfortunate beings who were condemned to servitude there gave up all hope, and with the giving up abandoned themselves to abominations unmentionable. The convicts themselves declared: "When a man comes to this island he loses the heart of a man and gets the heart of a beast."

The Rev. H. T. Stiles, who visited the Island, said:—"If I were called on to characterise briefly the moral state of the mass of prisoners at the settlement, I should say it is marked by recklessness, despair, and a readiness, arising from the latter feeling, to perpetrate any atrocity which would afford them a fair chance of escaping from their present misery. Of the nature of this despair, the state of mind of Burrows, who was executed for murder in December, 1835, affords an illustration. He assured me when in the condemned cell that he had resolved to commit the crime which led to his execution long before its actual perpetration; that his object

was not revenge or hatred to the individual whom he chose as his victim, but a general feeling of intense wretchedness, from which, by some means or other, he must rid himself, even though it were to be by his own death. In this state of mind as he was one day walking in the gang, he suddenly raised the spade with which he was going to work, and with it cleft in two the skull of the man who happened to be walking before him."

I could multiply such testimony *ad infinitum*, but as I wish simply to convey a general idea of the condition of convict life in this veritable charnel house of souls degraded, I have contented myself with giving the testimony of men who "testified that they had seen!" The evidence given by that humane priest, Dr. Ullathorne (who afterwards became Bishop of Birmingham, and who only died the year this story was being written—in 1889) is thoroughly reliable. The deep depravity and frightful sufferings of the wretched felons at Norfolk Island had become a proverb amongst their fellows in New South Wales, anyone of whom would sooner stand upon the gallows than face the horrors of that hell upon earth.

Convicts murdered their fellows, casting lots for the privilege of being the victim and the slayer, the latter courting the death penalty which he knew would be passed upon him, and the comrades of the two chief actors in the tragedy volunteering evidence in order that they might as witnesses obtain a temporary respite during the journey to and from Sydney, where the trials were held, although they knew that their return to the Island would follow the execution of their comrade. So notorious had this fact become that it was made the subject of special legislative enactment, providing for the trial of such criminals by special

commission on the island ; and this led to a reduction in the number of such atrocities.

Speaking of the prosecution of six of the convicts for the murder in connection with the piracy of the brig " Governor Phillip," Judge Therry (who was then Attorney-General) says :—" At their trial the prisoners subpoenaed some witnesses from the island who really could have known nothing of the outrage, for the whole scene was transacted at sea, two miles from the shore, and the only real object in summoning these witnesses was to give them a *spell* from the island. Never can the dismal appearance of these witnesses be erased from the memory of those who saw them in the witness-box. Some of them had been two or three years upon the island. Their sunken glazed eyes, deadly-pale faces, hollow fleshless cheeks, and once manly limbs, shrivelled and withered up as if by premature old age, created a thrill of horror among the bystanders. They were all under thirty-five years of age. They swore what they knew not of, and cared not what they swore. Of these six or seven witnesses there was not one who had not from time to time undergone the punishment of 1000 *lashes each and upwards*. They were as little reclaimable by the lash as if so many drops of water had been poured upon their backs. They looked less like human beings than the shadow of gnomes that had risen from their sepulchral abode. What man ever was or ever could be reclaimed under such a system as this ? Who can say in reference to such a system that the language pronounced with fearful energy by Cavenagh, one of that class, upon his trial, is devoid of truth ? — ' When I landed here I had the heart of a man in me, but you have plucked it out and planted the heart of a brute in its stead ! ' Happily for humanity, that abomination upon earth, Norfolk Island, as it then existed, is no more. (The

Judge wrote in 1863). From its disastrous and dread example the English nation and the nations of the world should take warning never to incur again the fearful responsibility of hoarding together a band exclusively of men the worst outcasts of society, and allowing them to live under a system from which the charities of life were excluded, and under which the lash, the dungeon, and the scaffold were the only instruments used to reform and reclaim fallen man. Who can deny that under such a system, not only is 'transportation worse than death,' but that the infliction of death itself is in comparison the extension and exercise of a mighty mercy?"

The same writer cites an instance, which came under his own observation, of death being preferred by a convict to imprisonment on the Island. In 1830 he had acted as counsel for two men charged with burglary, and the men were convicted and sentenced to death, but the sentence was afterwards commuted to transportation for life at Norfolk Island. They had been there about a year when a notorious bushranger named Webber was apprehended, tried and sentenced to death. The day before his execution Webber sent for Judge Therry and he visited him in the condemned cell, when the condemned man informed him that the two men whom he had defended in the burglary case were innocent, he having alone committed the act for which they had been transported. In proof of the truth of his statement he told where certain of the stolen articles had been "planted" by him, and search being made, the stolen goods were found in the place indicated. The men were thereupon released from Norfolk Island. The rest of the story is best told in Judge Therry's own words :—

"But now," he writes, "comes the most affecting scene of the eventful drama. Moved by an impression that a man who had thus rescued two fellow-creatures from an undeserved sentence of transportation—it had well-high been one of death—might be put to a better account than that of being hanged, I visited Webber again and told him that, though I could hold out no hope of pardon on my own authority, yet I would be glad to be instrumental, at least, in endeavouring to save his life; that, with that view, I would represent to Government his meritorious conduct in the case of the Atkinson burglary; and that, if he would follow up that conduct in making reparation to society by disclosing how he had disposed of the proceeds of the many robberies he had for several years been engaged in committing, I would apprise the Government of this disposition on his part, and it was probable his life would be spared. Now, mark! This suggestion was made after his death warrant had been read to him, at a time, too, when he knew he had only twenty-four hours to live. Never shall I forget his reply to the proposal. 'No, sir, I thank you; but I will disclose nothing. All I could gain by it would be to be sent to Norfolk Island, and *I would rather be hanged than go there. Don't trouble yourself about me; leave me to my fate.*' At the hour mentioned in the death warrant Webber was executed."

As shewing the condition of things on the Island for the four years preceding 1839, it will not be out of place for me here to quote from an old document, which fell into my hands nearly half a century after it was written. It was then in the possession of the son of the writer, who had served on the Island for many years as Government Chaplain, and who possessed intimate knowledge of the inner working of the establishment. Here is what the writer says:—

“ In taking a general view of the affairs of Norfolk Island since its establishment as a penal settlement, it will be found that the most efficient improvements have been made within the last five years, both as regards the condition of the settlement and the prisoners ; not merely because a greater facility has offered latterly than formerly, but a more effectual system has been worked to bring it about. To any one acquainted with the settlement, its appearance now from what it was five years ago will silently speak that something has been done. The recovery of the swamp in front of Government House, converting a useless and often flooded piece of ground into a very tastefully laid-out plantation, deserves to be mentioned ; and in place of a ditch through the settlement and centre of it (the water coming from the hills, afterwards running into the sea), a handsome canal has been cut, giving the place an attractive appearance. The cutting away of Red Bank as a site for the new Military Barracks was indeed a gigantic undertaking both in theory and practice. A short description will better explain it. It being necessary to erect another barracks for the military, the first one erected having been found to be too small, it necessarily became a matter of importance where it should be built. The land about the settlement is not fit to raise heavy buildings on, from its swampy nature ; besides, it was of consequence that the position of the new barracks should be a commanding one. To obtain this effectually no alternative offered except cutting down part of a hill 300 feet in depth and nearly 80 feet in height, which was required to be removed by well-regulated gangs, with a front of 700 feet in length ; this was accomplished and the barrack erected in a much shorter time than could have been at first supposed. In a line with the new barrack, on part of the same ground, was also built

the new Commissariat Stores, the handsomest and largest building (except the prisoners' barrack) on the Island. The two above splendid buildings, with many others for civil officers, such as cottages for the clergy, &c., prove that something had been done in the way of building. A new gaol was commenced in a line with the prisoners' barrack, which doubtless would have been completed long since had not the foundation given way from the cause before mentioned, the swampy state of the ground, judgment on the part of the Clerk of Works in charge on the Island at the time being at fault in this case. The Agricultural Department has been more successful since 1834 than at any time previous. At length the Island is enabled to support its population with grain and vegetables of all kind; the prisoners having nevertheless increased more in number on the settlement during the last five years than were on it altogether before; their condition is also much better. Since Major Anderson's command there has been no mutiny, no carrying off the boats, and comparatively few heinous offences—such as attempts at murder, &c. Several, it is true, have 'taken to the bush,' but a few days have been the limit of their absence. There was for a long time a classification evidently requisite. The prisoners did not know on what parallel of hope they stood. They were indiscriminately mixed at work and in barrack; the best behaved could not tell for certain that he was noticed beyond the greatest 'out-and-outer' on the Island. Commutation of sentences had previously been granted to some 'lucky ones,' while others who had served longer and been fewer times at Court for offences could not obtain this privilege. Major Anderson in his subsequent recommendations for commutation and remission of sentences invariably examined the police record himself, and consequently rescued some

well-behaved men from misery. Concessions of all kinds were only granted to those who had served certain probationary periods, clear of crime. A first class was established by order from Head Quarters several years ago, allowing those admitted some few small indulgences which will be explained more fully hereafter; yet everyone that deserved it could not get admitted till late years, for it was not that kind of classification that was requisite and has since been established. It is named by the Commandant, Major Anderson, 'The Local Classification,' and its detail is as follows:—1st. That all prisoners on the Island who are two years clear of any recorded offences in the police registers shall form the first local class; these are allowed the best rooms and accommodation in barracks to sleep in; first class rooms containing not more than 38 men and some only 22; the men are worked in gangs called first class gangs by themselves, with any indulgences that can be consistently allowed them; are in messes by themselves and eligible to be employed in any lighter work their superintendents may direct. 2nd. That all other prisoners, those of known bad character and malingerers, (those who continually go to Hospital under pretence of sickness, maiming themselves in different ways, some even applying lime and other injurious things to blind themselves) excepted, shall form the second class; these also are worked in gangs by themselves, mess by themselves, and are allowed the second best rooms and accommodation in barrack to sleep in; they remain in this class until completing two years clear of recorded crime, they are then admitted into the first class. 3rd. That all known bad characters and malingerers shall form the third class and be allowed the worst rooms and accommodation in barrack to sleep in; shall be exclusively worked in gangs by themselves, and not eligible

for any indulgence whatever. Whilst in the third class, not even allowed to go into another prisoners' garden in the meal hours, or allowed out of the Lumber Yard during that time, except at stated periods to wash their clothes; they must complete one year of uninterrupted good conduct in the third class before they can be admitted to the second class, and progress as before stated. The numbers were, on the establishment of the system, 28th December, 1838, as follows:—1st class, 648; 2nd class, 691; 3rd class, 107. The prisoners now see in what comparison they stand one to the other. No instance of a first class man having degraded himself to the loss of his class has as yet occurred, and so well have they been selected that out of 100 cases tried before the Police Court this present first month of the system working, 86 were 3rd class men. The benefit of this system of class is more and more evinced every day. A great deal of bad practice and crime was put a stop to by removing the bad characters from the others—those who had often stolen, or were found fighting, confined for not taking proper care of their clothes, &c. The prisoners were also known by the mark 1, 2 or 3 on each article of clothing, showing to which class they belonged. This particular circumstance is strictly attended to, being at once an 'exposee' of every prisoner that offends.

"The system is certainly a wise one, and will, if narrowly watched in its regulations, be of essential service, as some benefit may arise to the men not yet developed. This is hoped for by many, and tends in a great measure to make them hold fast their stations. The old regulations of 1831 are still in operation and are acted upon as prisoners become due under their different clauses, namely:—Capital respites for life not allowed to be recommended for a commutation of

sentence until they have completed ten years of uninterrupted good conduct at the settlement; then when recommended they are commuted to 14 or 7 years from the date of such commutation, and thereafter commence such commuted sentence the same as if just arrived. And as hereunder: The 14 years men to be eligible for the first (not local) class after 4 years good conduct at the settlement, and after 8 years in the first class to be eligible for the remainder of Colonial sentence being remitted upon the recommendation of the Commandant. Seven years men (not having been capitally respited) to be eligible for the first class (not local) after two years' good conduct on the settlement, and after four years in the first class are eligible, upon recommendation of the Commandant, to have the remainder of their colonial sentence remitted. Under 7 years to be eligible for the 1st (not local) class after one year's good behaviour on the settlement. Constables and overseers to be selected from the first class (not local); two years as a constable or overseer to be reckoned in all cases as three years of other service. In the event of misbehaviour all claims previously earned to be forfeited. Prisoners sentenced to wear irons for life or for 14 years not allowed to have one iron removed until completing 12 months uninterrupted good conduct on the Island; prisoners sentenced to any shorter period than 7 years in irons not to apply to have one iron removed until having completed 8 months good conduct on the Island; prisoners not eligible to apply to be recommended to the Governor for the indulgence of having their irons wholly taken off until they have completed the undermentioned probationary periods—prisoners sentenced to wear irons, if for life or 14 years, after three years; if for 7 years, after 2 years; under 7 years, after one year.

“From and after the commencement of 1838, the Governor and Commandant endeavoured to ameliorate the condition of the prisoners and offer encouragement to such of them as were inclined to get away from Norfolk Island, and passed an Act to the following effect:—(1). That such of them sentenced to 7 years at that penal settlement who had conducted themselves in a satisfactory manner for 12 months should be eligible to be commended to His Excellency for a removal to Head Quarters to be worked in irons on the roads or such other places as may be directed for a period not exceeding three years. (2). Prisoners sentenced to 14 years at Norfolk Island to be in a like manner eligible to be recommended after completing 3 years of good conduct at the settlement. (3). Prisoners sentenced for life at Norfolk Island to be in like manner eligible to be recommended after completing 5 years of good conduct at that settlement. The first draft of prisoners, 60 in number, who received this indulgence left the Island on the 30th of January, 1839.

“The following was the scale of rations on the Island at the close of 1838:—No 1 rations allowed to free overseers and those not under sentence to the Island, per diem:—1 lb. wheaten meal, $\frac{1}{2}$ lb. maize meal, 1 oz. sugar, $\frac{1}{4}$ oz. soap, $\frac{1}{2}$ oz. salt, 1 lb. beef or 10 oz. salt pork. Confirmed overseers, prisoners on the Island, per diem:—1 lb. maize meal, 10 oz. wheaten meal, 1 oz. sugar, $\frac{1}{4}$ oz. soap, $\frac{1}{2}$ oz. salt, 1 lb. beef or 10 oz. salt pork, $\frac{1}{8}$ oz. tobacco. Acting overseers who had to serve a probationary period of three months before they were confirmed, per diem:—1 $\frac{1}{2}$ lbs. maize meal, 6 oz. wheaten meal, 1 oz. sugar, $\frac{1}{4}$ oz. soap, $\frac{1}{2}$ oz. salt, 1 lb. beef or 10 oz. salt pork, and $\frac{1}{8}$ oz. tobacco, if in 1st class, but not otherwise. First class men (not local) $\frac{1}{8}$ oz. tobacco, per diem. Two suits of slops were allowed to each prisoner in the year, the

issues being on 1st November and 1st May; the confirmed overseers being allowed a blue jacket in place of a grey jacket or duck frock, and an extra pair of shoes for the winter half year, issued to them on the 1st August."

In 1841 Cockatoo Island, near the entrance of the Parramatta River, was established, many of the doubly convicted prisoners from Norfolk Island being brought there, and others of them being sent to Van Diemen's Land. Instructions were sent to the colony for the removal of all the doubly-convicted prisoners from the island, as the British authorities wished to make it exclusively a place for the reception of convicts direct from Great Britain, transportation to New South Wales having then virtually ceased. But these orders could not be carried out, and although some of the doubly-convicted prisoners were removed to the places named, a large number still remained at Norfolk Island.

A new system of treatment was then tried under a fresh commandant, Captain Maconochie, the convicts remaining and the fresh ones transported direct from England being treated under it. But the experiment proved worse than a failure. Under the old *regime* the convicts were mustered from their dormitories outside the barrack gate, in gangs, by the muster roll, each man falling into his gang as his name was called, and the whole being then marched to labour. The men were rationed in messes, no cooking utensils being allowed them, and the bread being baked in the bakehouse. On Captain Maconochie's arrival, however, the whole system was changed. He proposed to secure good conduct by a display of extra kindness, but the material upon which he had to work was too well seasoned in vice to care for anything good, and under the new rules, for the purpose of getting good marks and luxuries, they added to their other

vices that of hypocrisy. He issued a week's rations to the new hands in a raw state, and had cooking utensils served out to them. Then the better disposed of the old hands were allowed the same privileges, and after a while the greater part of them possessed cooking utensils of some kind. Their labours were also relaxed, and they were allowed to trade among themselves, to keep pigs and poultry at their pleasure, and to dispose of them, purchasing sugar, eggs, bacon, poultry, sausages, corn, &c. with the proceeds, several stalls and shops being set up in the settlement. During this time there were nearly 2000 convicts on the Island and the system was continued until found to be valueless as a corrective.

Captain Machonochie had come out as private secretary to Sir John Franklin, the celebrated Arctic Navigator, who succeeded Governor Arthur, in Tasmania, in 1837. The Captain had a benevolent theory of his own concerning the treatment of convicts, concerning which there was considerable discussion in England at the time, the fact that there had been 442 capital convictions in the space of three years having caused men to question whether hanging or flogging were the best uses to which they could put their erring fellow-men. Machonochie set himself to collect facts when he arrived in the colony, and he embodied the results of his investigation in a report, which he sent home to the Colonial Office, without having fully explained the contents of the report to Governor Franklyn. On the publication of that report he was dismissed by the Governor ; and it having been decided to try what a little kindness could do for the convicts, Machonochie was charged by Governor Gipps with the commission of making the experiment at Norfolk Island, receiving the appointment of Commandant for that purpose.

He entered with great zeal upon his labours, and the eyes of the convicts were made to open wide with astonishment at the extraordinary change in the method of treating them which had taken place. Machonochie at once removed all traces of the severest discipline. The gaol doors were thrown open and the prisoners were allowed great freedom. The "mark" or reward system by which they could obtain freedom by good behaviour was explained to them and they were exhorted and entreated to avail themselves of the blessings within their reach. In May, 1840, 1800 prisoners on the Island were for one day (Queen's Birthday) set absolutely free to join in a general "spree," at which sports and a theatrical performance took place. The men sang and danced, chewed tobacco and drank rum (those luxuries being served out to them by the officers), and cheered Her Majesty the Queen and His Honor the Commandant, as though they were loyal and dutiful subjects—law-abiding and respectable citizens of a rising state. For that day they certainly were all this. They were surprised into virtue, and no disorder marred the festivities. One writer says:—"Its novelty gave to Machonochie's system the air of delirium; the disciplinarians of the ancient *regime* raised their hands in astonishment."

But as already intimated, the system failed. The reaction was brought about by the daring attempt of twelve unarmed convicts, who were engaged in discharging the cargo, to capture the brig "Governor Phillip," with twelve soldiers and eighteen seamen on board—after the manner already described in a previous chapter.

Captain Machonochie was re-called in 1844, and a new Commandant, Major Childs, was sent to the Island. The new Commandant by degrees sought to re-introduce the old

order of things, but with most disastrous results. As it was found that the men were in the habit of stealing and killing the Government sheep and cooking the mutton for themselves, doing the same with the officers' poultry, it was resolved that their cooking utensils should be taken away from them, and this resolve was carried out when the men were in their berths at night. Next morning, when they discovered what had been done, there were mutterings and black looks in the ranks, and the authorities feared an outbreak; yet they did not take even ordinary precautions. The storm burst suddenly. The men, in a mob of 500 rushed the stores and recaptured their cooking utensils. The nearest military guard was 250 yards off and out of sight, and there were only a few constables without arms on the spot. Proceeding to the central station police hut they sacked the place and hunted the constables, then rushing upon their custodians. The military then arrived and drove the prisoners into the barrack yard, securing every man whose dress was disordered or who had blood upon his hands, for blood had been spilt, they having killed two constables, one of the overseers, and the gatekeeper, besides having wounded half a dozen others. For this outrage twenty-nine convicts were brought up and tried, and fourteen of them were hanged on 23rd September, 1846.

In his report upon this outbreak the gentleman chosen for the purpose wrote the two following significant paragraphs:—

"In the removal of the cooking utensils from the prisoners I cannot see a sufficient reason for the murderous outbreak of July last, except in what I gathered from some of the murderers prior to their deaths. Horrible though it be, I consider that I am bound to make known to you what I

learnt from them shortly before their execution. Many of these wretched beings acknowledged to me that for years, indeed, almost from their first conviction, they had been given to unnatural practices, declaring that the crime prevailed to a great extent, both in Van Diemen's Land and this Island; and from one I learnt that those who pandered to their passions were paid in tobacco, extra provisions, fancy articles made for them, and any indulgences they could obtain to induce them to yield to their brutal desires. That being deprived of their cooking utensils they would have been unable to prepare the food they might surreptitiously obtain for the objects of their lust; and that this aroused their savage and ferocious passions to a pitch of madness. This is the tale of a man about to die. The relation of these abominable practices came from men who in a few days knew they must be numbered with the dead; and I have no reason to doubt the horrible confession.

"The address of another to myself on entering his cell was to this effect: 'Sir, as you value your soul, separate both here and at Van Diemen's Land, as much as possible, my class of people. We are nearly all given to unnatural practices. I have witnessed scenes which you would not believe were I to recount them, and which are not fit to be related. The flash men you see with made overclothes and fancy articles are given to these practices. No check can be given to it but by separating the men as much as possible, and I beseech you to use you best endeavours to let the men sleep in cells.'

In the year in which these occurrences took place there were still between 1,500 and 2,000 convicts on the Island. What a mass of seething corruption it must have been! And we may well marvel that the offended Being in whose

sight this huge company of "fellows of the baser sort" carried on their vile practices, did not cause the whole corrupted and corrupting mass to sink out of sight and knowledge in the sea.

After the failure of Machonochie's system, and the "probation" system, subsequently tried, it dawned upon the minds of the authorities that the evil of convictism as there exemplified was too gross for cure by the application of simple correctives, and that nothing short of total uprooting would avail. By degrees the convicts were all removed to Tasmania, where they were distributed upon the public works of the colony, and amongst the settlers as labourers and shepherds, the more humane treatment adopted having its result in something like general reform.


In 1856 the inhabitants of Pitcairn Island, the decendants of John Adams and the other surviving mutineers of the "Bounty," were transhipped thither, the Island having been bestowed upon them by the English Government, as their own Island had grown too strait for the swelling numbers of this peculiar "family colony." The vessel which brought them carried off to Tasmania the last remnants of the convict establishment so long and so terribly identified with the place. All the buildings erected by the convicts were appropriated to the use of the new inhabitants, with a large number of sheep, cattle, pigs, drays and tools requisite for agricultural pursuits. In 1857 Sir W. Denison, Governor of New South Wales, visited the Island, and framed regulations suited to the requirements of its new occupants.

The last of the New South Wales Governors to visit the Island was His Excellency Lord Carrington, the visit being made in 1887, for the purpose of settling some trifling difficulties connected with the land. From the reports then

published it is clear that the remaining descendents of the Islanders have lost a good deal of that indolence which characterised their forefathers, and that the present occupants of the once home of human devils and their keepers fully appreciate the advantages and comforts which have been secured to them.

CHAPTER XVII.—VAN DIEMEN'S LAND.

FIRST OCCUPATION—THE "BOTANY BAY OF BOTANY BAYS"—THE VOYAGE OUT—THE FEMALE CONVICTS—TRANSPORTATION INCLUDED PROSTITUTION—AFTER LANDING—SEEKING LODGINGS—IN THE PRISON—IRON NECKLACES—COMMISSIONER BIGGE'S REPORT—THE FEMALE FACTORY—A NEST OF UNCLEAN BIRDS—MACQUARIE HARBOUR—CLARKE'S DESCRIPTION—THE WORK, THE FOOD, THE PUNISHMENT—GAMBLING WITH DEATH AS THE STAKES—STATE OF SOCIETY—FESTERING HEAPS OF MORAL FILTH—FLOGGING, STARVATION AND HANGING—ATTEMPTS TO ESCAPE—BUSHRANGERS—A HORRIBLE FARCE—THE SOLDIERY—THE VALUE OF A SMOKE—CONVICT CONSTABLES—HORRORS OF LOCAL TRANSPORT—THE HARBOUR ABANDONED—PORT ARTHUR—GENTLEMEN CONVICTS—IKEY SOLOMONS—A SCOTCH CLERGYMAN—AN IRISH ATTORNEY—SEVERITY OF THE PUNISHMENT—COLONEL MUNDY'S DESCRIPTION OF THE PRISON-COLONY—THE DRUNKEN GOVERNOR—A THIEVING, LICENTIOUS PEOPLE—A PLEASING CHANGE.

S already stated, it was during the administration of Governor King that Van Diemen's Land was taken possession of and occupied as a dependency of New South Wales. It was deemed necessary to relieve the parent settlement at Port Jackson of some of the more dangerous and riotous convicts of the 7,000 who up to that time had been transported thither. "Thus," says West, "Van Diemen's Land was colonized; first as a place of exile for the more felonious of felons—the Botany Bay of Botany Bay."

The first occupants, under the command of Lieut. Bowen, entered the river Derwent early in 1803. In January of the following year, the small armed force and party of convicts who had been sent out in charge of Governor Collins to form a settlement on the shores of Port Phillip, were also removed to Van Diemen's Land, the attempt to form the settlement having failed. Collins landed with his party on the spot where Hobart now stands, and we are told that the party under Bowen who had preceded them were "found in a most wretched state, almost approaching starvation." While Collins was engaged in the preliminaries of settlement at Hobart Town, Governor King despatched a small party of prisoners under Colonel Patterson to Port Dalrymple, where the latter established York Town. Two years afterwards, however, that settlement was removed to the spot where Launceston now stands, the place receiving its name from Patterson. For some time there was no communication between the settlement on the Derwent and that on the Tamar, and it was not until the year 1812 that both sides of the island were united under the one government.

The settlers who were removed from Norfolk Island to Van Diemen's Land formed the nucleus of that free population which grew up there side by side with the convicts. The new colony for many years experienced difficulties similar in every respect to those which beset the older settlement in New South Wales, and the story of its rise and progress furnish incidents quite as remarkable as any of those recorded of the parent colony; but I must pass by all this and confine my attention to the convicts and their treatment.

Soon after the settlement had been established convicts, male and female, were sent thither direct from England, and the voyage across the water of the transports was similar in

every respect, as regards the conduct and treatment of the prisoners, to that of the convicts ships which terminated at Port Jackson. We are told that although wooden barriers to the women's quarters were erected at starting, they were soon removed, and the women were free to frequent every part of the ship under certain conditions. "Both male and female prisoners," says Rev. John West, "were frequently forwarded together; the officers and soldiers selected companions for the voyage, and a sentence of transportation included prostitution. It is not incredible that modest women rejected life on such terms, and preferred a public execution to the ignominy of a floating brothel. These practices were first tolerated, and afterwards justified as politic." The captain of one of the ships, referring to this subject, says: "The unhappy male convicts are denied, save occasionally, these profligate liberties (the right of selection enjoyed by the officers). Occasionally, however, they range into the quarters assigned to the women. The males, accustomed in London to indiscriminate license, discover the greatest regret at the restraint of their passions, in the greatest oaths and in the coarsest language. The females, who rather resemble the brutes than rational creatures in their excesses, answer their reproaches and rage with equal effrontery and unbounded impudence. It is a scene like Pandemonium—a second Hell." In later years, however, owing chiefly to the publication of the facts by a Captain who viewed with loathing the abominable transactions, the authorities provided suitable ships and selected suitable officers for the voyage, while a committee of Christian ladies in London watched the departure of their fallen and condemned sisters, and provided them with comforts and strengthened them with advice to which the earlier voyagers were strangers. By this means much of the

evil was removed; but even under the best regulations it was impossible to prevent abuses on the voyage, seeing that in many cases the women were themselves the chief offenders, and not only readily encouraged debauch on board, but made existence almost unbearable to those of their prison mates whose modesty or desire for a better life caused them to hold aloof from the evil practices in which the ringleaders were indulging.

On first landing the position of the female convicts was, perhaps, even worse than it had been on board the ship. As I have said, no lodgings were provided for them, and they were almost compelled to seek the "protection" of one or other of the officers or male ex-convicts who offered to give them shelter. Those who possessed the charm of good looks, experienced no difficulty in finding lodgings, but some of their less favored sisters fared very badly. Even in the prison, which was always well supplied with female inmates, the career of vice was continued, male warders, themselves convicts, being the only attendants, and the higher authorities being indifferent to anything transpiring within the walls, provided it fell short of open rebellion. The females did not work in prison at that time, but according to one writer the refractory among them were exposed to punishment at once undignified and severe. Previous to Governor Arthur's time a frequent punishment inflicted on females was "the placing of an iron collar round their necks, on each side of which was a long prong, which gave them the appearance of horned cattle; and with this head-dress they were exposed in church during service." Mr. Commissioner Bigge in his report to the House of Commons makes the following statement: "The female convicts, for want of any separate room in the prison, were placed in a small wooden hut, near the blacksmith's

forge, now converted into a church, and a constable was placed over them to prevent their escape. This mode of punishment was found so inefficient that latterly the female convicts were sent to George Town, where they cohabited with the Government convicts." Subsequently a female factory was established, from which the women could be hired for service in private families, but the conduct of this establishment was no better than that of its twin sister in Parramatta, which has already been fully described. In his work "Curious facts of Old Colonial Days," Bonwick says of this nest of unclean birds: "Even within the author's experience of the colony, the female factory had some forbidding aspects. It was the seat of idleness, the resort of the vicious. The atmosphere was polluted with the fumes of tobacco smoked by the women; and the walls echoed with the shrieks of passion, the peals of foolish laughter, and the oaths of common converse. The beginners in the walks of vice associated with the abandoned veterans of vice." How marvellous is it that the evil flowing from this nest of beings polluted, so long continued and so fully occupied, is not now to be traced in that fairest of all Australia's fair Islands—Tasmania!

The chief penal settlements of Van Diemen's Land—the places to which the worst of the male convicts were sent for greater safety and severer punishment—were Macquarie Harbour and Port Arthur.

Of Macquarie Harbour, West, in his "History of Tasmania," says:—"The name is associated exclusively with remembrance of inexpressible depravity, degradation, and woe. Sacred to the genius of torture, nature concurred with the objects of its separation from the rest of the world; to exhibit some notion of a perfect misery. There, man lost the aspect, and the heart of man."

That the punishment inflicted there by the overseers was somewhat rigorous, is borne out by the following facts, taken hap-hazard from the records:—Of eighty-five deaths only thirty were from natural causes. Two thirds of the convicts in three years had received 6,280 lashes, and out of 182 men, in 1822, there were punished 169, no less than 7000 lashes being distributed between them. During the ten years of its occupancy 112 prisoners tried to escape, and 62 of them perished. What wonder that the creatures so driven should turn upon each other and gamble, with death as the stakes! The toss of a flat piece of wood would decide which of the company should be murdered, who should commit the murder, or who should be the witnesses. A blow would be struck and two sufferers would be released from the horrors of the earthly prison—one by violence at the hands of his mate, and the other by hanging at the hands of the authorities; while the remainder of the company would have a trip as far as Hobart Town and back again.

Concerning the state of society at the Harbour only one fact need be mentioned here by way of illustration. When the first appointed chaplain reached the settlement he found the chief officers living in open and shameless concubinage with the convict women. They refused to listen to his remonstrances—refused even to assume the shadow of propriety, and the minister was compelled to abandon his post.

What Norfolk Island was to New South Wales, Macquarie Harbour and Port Arthur were to Van Diemen's Land—the drainage pools of a heap of festering moral filth. The very worst convicts were congregated there and the very worst phases of convictism were there exhibited. The variety of the evil was infinite, but through each of the classes into

which it might be divided there ran a vein of viciousness that is indescribable. The worst of the cases mentioned by Marcus Clarke in his novel "For the Term of His Natural Life" do not by any means disclose the full extent of the distress and degradation, the suffering and shame, that there existed. The most repulsive pictures in his story were drawn from life, and yet they fall very far short of the reality. Macquarie Harbour is thus graphically described by him :

"'Hell's Gates,' formed by a rocky point, which runs abruptly northward, almost touches on its eastern side, a projecting arm of land which guards the entrance to King's River. In the middle of the gates is a natural bolt—that is to say, an island—which, lying on a sandy bar in the very jaws of the current, creates a double whirlpool, impossible to pass in the smoothest weather. Once through the gates; the convict, chained on the deck of the inward-bound vessel, sees in front of him the bald cone of the Frenchman's Cap, piercing the moist air at a height of five thousand feet ; while, gloomed by overhanging rocks, and shadowed by gigantic forests, the black sides of the basin narrow to the mouth of the Gordon. The turbulent stream is the colour of Indigo, and, being fed by numerous rivulets, which ooze through masses of decaying vegetable matter, is of so poisonous a nature that it is not only undrinkable, but absolutely kills the fish, which in stormy weather are driven in from the sea. .

. . . The head-quarters of the settlement were placed on an island not far from the mouth of this inhospitable river, called Sarah Island. Though now the whole place is desolate, and a few rotting posts and logs alone remain—mute witnesses of scenes of agony never to be revived, in the year 1833 the buildings were numerous and extensive. On Phillip's Island, on the north side of the Harbour, was a

begin

small farm, where vegetables were grown for the use of the officers of the establishment ; and, on Sarah Island were sawpits, forges, dockyard, gaol, guard-house, barracks, and jetty. The military force numbered about sixty men, who, with convict warders and constables, took charge of more than three hundred and fifty prisoners. These miserable wretches, deprived of every hope, were employed in the most degrading labour. No beast of burden was allowed on the settlement ; all the pulling and dragging was done by human beings. About one hundred 'good-conduct' men were allowed the lighter toil of dragging timber to the wharf, to assist in ship-building ; the others cut down the trees that fringed the mainland, and carried them on their shoulders to the water's edge. The denseness of the scrub and bush rendered it necessary for a 'roadway,' perhaps a quarter of a mile in length, to be first constructed ; and the trunks of trees, stripped of their branches, were rolled together in this roadway until a 'slide' was made, down which the heavier logs could be shunted towards the harbour. The timber thus obtained was made into rafts and floated into sheds, or arranged for transportation to Hobart Town. The convicts were lodged on Sarah Island, in barracks flanked by a two-storied prison, whose 'cells' were the terror of the most hardened. Each morning they received their breakfast of porridge, water, and salt, and then rowed, under the protection of their guard, to the wood-cutting stations, where they worked without food, until night. The launching and the hewing of the timber compelled them to work up to their waists in water. Many of them were heavily ironed. Those who died were buried on a little plot of ground, called Halliday's Island (from the name of the first man buried there), and a plank sunk into the earth, and carved with the

initials of the deceased, was the only monument vouchsafed him. Sarah Island, situated at the south-east corner of the harbour is long and low. The commandant's house was built in the centre, having the chaplain's house and barracks between it and the gaol. The hospital was on the west shore and in a line with it lay the two penitentiaries. Lines of lofty palisades ran round the settlement, giving it the appearance of a fortified town. These palisades were built for the purpose of warding off the terrific blasts of wind, which, shrieking through the long and narrow bay as through the key-hole of a door, had in former times tore off roofs and levelled boat-sheds. The little town was set, as it were, in defiance of Nature, at the very extreme of civilization, and its inhabitants maintained perpetual warfare with the wind and waves."

As the convicts were treated with even more severity at these penal settlements than at Norfolk Island, they were rendered correspondingly more reckless. In the words of Sir George Arthur, some of them committed murder "in order to enjoy the excitement of being sent up to Hobart Town for trial, although aware that in the ordinary course they must be executed within a fortnight after arrival."

The diet of the prisoners was different according to the nature of their offence, which determined the class of gang they worked in. The convicts who had just arrived each received 1 lb. meat daily, $1\frac{1}{4}$ lb. bread, with 4 oz. oatmeal for breakfast, and 7 drachms of sugar; salt not being required, as the food was salt. These formed the first class. The second class of prisoners were those who had been there some time and had committed offences—these were called the chain gang, and they received $1\frac{1}{4}$ lb. of bread, 4 oz. oatmeal, and 7 drachms of sugar, but no meat; no tea was allowed,

but they could drink as much water from the bay as they desired.

The chief part of the convict population resided upon the same island as the military and officers, but about half-a-mile off there was a small rock, which rock was used as a place of punishment for the refractory convicts to be sent to at night, in order that they might be separated as much as possible from the others. This was considered the *minor* degree of punishment, but it was very severe. Men who misconducted themselves were sent to sleep on the island, and it seldom happened that they could land on the rock without getting wet, probably up to the waist or neck, and the result was that they must either sleep in their wet clothes or sleep without clothing. The greater part of them slept in their clothes, and particularly those who had chains on, and nine-tenths of the poor wretches were in heavy irons. Fires were not allowed after eight o'clock at night. The prisoners were chiefly employed cutting timber for export to Hobart Town. The second kind of punishment was stopping the meat; the third kind placing them in the chain gang to work in irons, and the most laborious part of the work, that which they dreaded the most—working in water and assisting in building small piers about the island, carrying stones and even diving for them.

Flogging was the next punishment, and this was inflicted very frequently and freely. Official returns shew that on the average of five years (1822-6 inclusive) there were 245 prisoners of whom 167 were annually punished by flogging, and that the total number of lashes inflicted was 33,723, and the annual average 6,744. The cat-o'-nine-tails in use was a much heavier instrument and larger than the one ordinarily used, which was called a single cat, this one being

a "thief's cat," or double cat. It did not comprise more than the usual number of tails, but each tail was a double twist of whipcord, and each contained nine knots. The effect of the floggings is thus described by the surgeon of the establishment: "I never, during the 18 months I was there witnessed any severe illness follow flagellation. I have occasionally had them in the hospital, and remain for a month or two, but the back generally healed very well, and no unfortunate consequences followed; no illness took place. Occasionally, in some men of full habit of body, it would be necessary to bleed them, and to apply other remedies in order to keep down inflammatory action, but generally the part contained a large quantity of coagulated blood, which sloughed and healed up. Sometimes fever came on and abscesses formed, but these were rare occurrences."

The same official also tells the following story, illustrative of the life at the Harbour:—

"The convicts appeared to be very much degraded by the floggings. I could relate many instances in which convicts who had never been punished with the cat before their arrival at Macquarie Harbour, who, after their punishment there, became so very much degraded by their punishment that they sometimes told me they should never be satisfied till they had been executed for some further offence. They considered it a most unmanly kind of punishment. I remember one instance of a man being punished a few days after his arrival for attempting to steal a boat with another party; that individual received 100 lashes, which was the maximum of punishment with the cat-o'-nine-tails. After he was taken down from the halberds he immediately turned round to me and said: 'It is the first time I have been punished by the cat, and it shall be the

last ; the first opportunity I have of committing a crime which will send me before the Criminal Court shall be one which shall hang me.' And the man's words were verified, for he was executed for an offence committed at Macquarie Harbour, and that offence was the murder of his constable ; and I believe three or four out of the same party who were punished that day for the same offence were executed for the same murder."

The constant desire of the convicts was to escape, and whenever they had an opportunity they took advantage of it. From 3rd January, 1822, to 16th May, 1827, a return shews that out of 116 who absconded, 75 were supposed to have perished in the woods, one was hanged for murdering and eating his companion, two were shot by the military, eight are known to have been murdered by their companions, six of whom were eaten ; 24 escaped, 13 were hanged for bushranging, and two for murder ; making a total of 101 out of the 116 who met with an untimely fate. The authority for supposing that 75 perished in the woods was that they were never heard of, and the skeletons of some were found upon the shore, the shore being the only place where they could get food. Sometimes within a mile of the settlement bodies were found of convicts, who, in all probability, were coming to deliver themselves up, and who died from want before they reached "home." They could not possibly get through the woods, although one case is on record where an escaped prisoner, named Pierce, got through and reached the settled part of the country by sacrificing six of his companions, upon whose flesh he lived. The full confession of this cannibal convict will be given in a subsequent chapter.

Among those who absconded from Macquarie Harbour were fourteen men in a body. This was in 1824. The

convicts, known as "Brady's Gang," seized a whaleboat and got to the Derwent, when they were compelled to abandon her. After committing several murders and plundering the inhabitants in various parts of the country they were all apprehended, tried, convicted, and hanged. They committed great atrocities, laying the country under contribution, and setting the military authorities at defiance for nearly two years. The two leaders, Brady and McCabe, quarrelled and McCabe was the first man taken. Some of the others were shot by the military, some were captured and hanged, but other convicts joined them at intervals from other parts of the colony and the gang was kept up. On one occasion they captured the surgeon of the settlement, who was on the road with a letter from the governor to a magistrate giving information as to the whereabouts of the gang; but they treated him kindly, owing to his having on one occasion reduced the punishment to which some of their number were being subjected at the Harbour. They took his watch and money, but with grim humour returned him his lancet, saying that it might at some future time prove of service to them in his hands. From 1824 to 1827 Van Diemen's Land was invested with bands of bushrangers, but Brady's gang was the most formidable and desperate that ever roamed at large.

As already stated, the convicts at Macquarie Harbour frequently committed crime in order to be removed from the settlement. It was no uncommon occurrence for a man, while he was in bed asleep, to receive a wound from one of his fellow prisoners, whose sole object was to be sent down to Hobart Town to be tried by the Criminal Court. Outrage was generally planned by a party with this object in view. One of them inflicted the injury, and the others were to come forward for the purpose of swearing before the commanding

officer that they saw the offence committed, the result being that they were sent to Hobart Town as witnesses. On their arrival, and when the prisoner was put on his trial, these men prevaricated so much that the case was almost immediately dismissed. The Governor feared that if these men were sent back to Macquarie Harbour they would be chastised and perhaps murdered by their fellow prisoners; the consequence was that they were very rarely returned. I will give two cases only in illustration chosen from many. A constable was murdered at the Harbour by a prisoner named Edwards, who acknowledged to the Superintendent the same day that he had committed the murder, striking the constable on the head with a stick, and afterwards pushing the body into a deep pool of water. The pool was dragged and the body found. The murderer was sent to Hobart Town, but on the way some fellow prisoners on the boat persuaded him to state that the confession had been extorted from him by the superintendent under fear of punishment. He did this at the trial and was acquitted. In the other case a constable was murdered by a convict, one of a party of nine, and five or six convicts came forward as witnesses; but when the case was called on at Hobart Town they prevaricated so much that the men would have escaped had not the surgeon happened to be in town at the time, and he gave evidence which led to their conviction. The men had seized the constable and put his head into a pool of water, one of them keeping the head under water with his foot until the man was drowned.

On one occasion the principal authorities sought to serve out a warning to the convicts of Macquarie Harbour by sending up from Hobart Town two condemned criminals to be publicly hanged there, thinking that the sight would act as a preventive of crime. But the experiment failed. The

convicts were drawn up round the gallows to witness the execution, but the occurrence was turned into an awful, horrifying farce. So buoyant were the feelings of the men who were about to be hanged, and so little did they seem to care, that they absolutely kicked their shoes off among the crowd, in order, as they termed it, "that they might die game," while the men in the crowd kept up a jocular fire of exclamations, such as "Good-bye, Bob!" and "Good-bye, Jack!" until the fatal bolt was drawn.

The soldiers only on that settlement were allowed a small modicum of spirits and tobacco, and the latter article they used to sell to the convicts at an enormous price. On one occasion it was reported to the commandant that a soldier had sold a small fig of Negrohead tobacco to a convict for two dollars. The prisoners considered tobacco the greatest luxury obtainable, and they have frequently given a shilling for the purpose of burning out an old wooden pipe, the inside lined with tin, probably used for smoking many months, and which had become clogged with the oil of tobacco. They would put a piece of ignited charcoal in the bowl of the pipe and suck away until the oil was exhausted.

At Macquarie Harbour at one time all the constables—the superintendent, the chief constable and the overseers—were convicts, and some of them were most brutal. One of them was noted for reporting those under his charge, and five or six men were flogged every day for idleness, on his information. The prisoners were completely at the mercy of these constables, and if any act of insubordination were not reported the constable himself would certainly be flogged upon the same being discovered.

The voyage from Hobart Town to Macquarie Harbour was a very difficult and tedious one, occupying frequently a

month or six weeks. The convicts were frequently sent from Hobart Town Gaol to Macquarie Harbour half-clothed. On this point Surgeon Barnes says:—"Sometimes they had trousers on, but sometimes they were without them; sometimes they had a jacket, but more frequently they were without it, particularly if they had been long in gaol in Hobart Town, when it would have been sold for tobacco or something of that kind. There were 35 in the vessel in which I went to Macquarie Harbour, a small schooner of 70 tons, and that was divided into compartments. The middle part of the ship was the place for prisoners. There were no beds fitted up, nor was there a deck, but the convicts occupied the hold of the ship. If the ship happened to be in ballast they lay on the ballast, but if it happened to be loaded they had the luxury to lie upon a cask, instead of upon stones. If they had a blanket it was all very well; but I think out of the number that went down they mustered only four blankets. I recollect on one occasion the captain ordered their bedding to be brought on deck, to know what furniture there was, and to whom it belonged, that it might not be purloined by the other convicts, and on board that vessel there was one prisoner who had neither jacket nor trousers; he had only his shirt when he was sent out of gaol. The commanding officer gave him a bit of canvas, which was manufactured into a pair of trousers. I have frequently when at Macquarie Harbour seen men, 30 or 40, in that state, who have been on board the vessel for five or six weeks, and in the months of June, July and August, the weather was extremely cold, particularly upon the western coast of the island."

In 1833 it was arranged that the Harbour should be abandoned, owing to the difficulty of maintaining connection with the place; and it was when this purpose was being put

into execution that the convicts seized the ship "Frederick" and escaped—a circumstance which Marcus Clarke in his novel made to serve a very useful purpose.

Writing in the "Fifties," Bonwick says:—"One who visited Macquarie Harbour after an interval of twenty years went in pilgrimage over the scenes, formerly so fearfully active with life. He saw the old roofless Barracks, and walked over the prisoners' tombs, and the deserted garden of the commandant. The stone walls of the gaol gave forth a damp and noxious smell. The cells' floors were strewn with bones and rubbish, and upon their pine doors were several well-executed drawings. The very planks were studded with initials and devices, which told of sorrows past. Thank God! the miseries of Macquarie Harbour are over and gone. They belong to an age of comparative barbarism in the treatment of criminals. A better day has dawned, in which the bodily comfort of the prisoner is regarded and the wants of his moral nature are supplied."

Port Arthur settlement was formed in Van Diemen's Land in September, 1830. It was built on the edge of a large bay or harbour which runs into the centre of Tasman's Peninsular. The place was a second Norfolk Island, but if anything worse in its herding of vicious, hopeless wretches, the severity of the punishment inflicted, and the abominations practiced.

The convicts sent there were also those who had been twice convicted, and the worst characters sent out from England, such as desperate housebreakers and murderers; a class known as "gentleman convicts" was also sent there. These gentleman convicts—men of education—received certain privileges and if they conducted themselves tolerably well were after a short space sent back to Hobart Town,

where they could obtain situations as clerks or schoolmasters in private families—with what result has been previously described in the chapters dealing with New South Wales. To give an idea of the strange mixture on the settlement, there were, mixed with the general class of housebreakers, pickpockets and felons, Ikey Solomons, the famous London thief; Collins, the old sailor, who had thrown a stone at King George; men who had been condemned for firing haystacks; a clergyman from Scotland; an attorney from Ireland; and a number of boys, London pickpockets, who had been sent to learn trades from the convicts who were mechanics. The rations served out were invariably salt, and as a result scurvy was a common disease. The chief occupation of the convicts was felling the large timber and sawing it up for the use of public works in the colony, carrying it down to the settlement, and loading ships with it. In later years the convicts were employed in the coal mines, which caused them much suffering.

The work of classification was very limited in extent. The majority of the convicts worked in gangs, and were congregated during meals and hours of leisure, and at sleeping times; the worst working in irons, and the others out of irons. The punishments inflicted for misconduct were flogging, the chain gang, and solitary confinement, although this latter could not be effectively carried out owing to the few cells available.

It was useless for the prisoners to attempt to escape, for the only means of getting out—a narrow neck of land about 450 yards across—was guarded by soldiers and dogs chained to the lamp posts. These dogs were very fierce and were always kept fed with raw meat to keep them savage. Like the convicts at Macquarie Harbour, the prisoners sometimes

committed outrages for the purpose of being sent away from the settlement, and cases of reform were remarkably rare. Those who were not brutes were made brutes, and then were made more brutish, by the treatment they received. Port Arthur was rather a school for eliciting and perfecting immoral propensities and depraved habits than a reformatory ; and the same thing may be said concerning the whole of the penal settlements. The reader will not, I am sure, require any further or fuller illustrations of this saddening truth, although many might be given.

In one of his dispatches the Governor broadly stated the design of the establishment at Port Arthur to be "the severe punishment of the vicious part of the community, as the means of deterring others from the commission of crime, as well as the reformation of the criminals themselves." And that design was faithfully carried out in every particular, for until the penal settlement was broken up there was one monotonous, unceasing round of strokes and sobs and blood and tears.

To enter upon anything like an elaborate description of general convict life in Van Diemen's Land would be simply to traverse ground already covered, for it ran upon all fours with convict life in New South Wales. In appearance and fact the second edition of the Antipodean penal system was similar to the first, although Van Diemen's Land was made the settling ground of many of the convicts who were considered worse than their fellows in New South Wales. I have confined myself, therefore, to the brief narration of the working of the system at the penal settlements. The reader may, however, be interested in a sketch of the second prison-colony, drawn by a visitor in the year 1850, and I have culled

from that sketch such portions as deal with the subject I have been treating.

Speaking of Hobart Town the writer (Lieut. Colonel Mundy) says:—"In the streets the stranger sees less of the penal features of the place than might be expected. Possibly every other person he meets on the wharves and thoroughfares may have been transported; for the population of the island has been thus centesimally divided:—free immigrants and born in the colony, 46 per cent.; bond and emerged into freedom 51 per cent.; military, aborigines, &c., 3 per cent. But there is of course, no outward distinction of the classes except in the prisoners under probation, who are clothed in the degraded grey or grey and yellow, according to their crimes and character. And these men, being confined either within walls or in distant stockades, or being marched early in the morning to their place of work and back again at sunset, fall but little under the observation of the public. Now and then may be seen, indeed, the painful spectacle of a band of silent, soured and scowling ruffians—some harnessed to, others pushing at, and another driving a handcart, with clanking chains, toiling and sweating in their thick and dusty woollens along the streets—each marked with his number and the name of his station in large letters on his back and on his cap. Here a gang may be seen labouring with shovel and pick on the roadside, or sitting apart breaking up the road metal; but there is no earnestness or cheerfulness in this compulsory labour; and accordingly, however active and ruthless these fellows may have shewn themselves in the commission of violence against their fellowmen, they are most merciful to the macadam, only throwing a little temporary energy into their action when the appearance of a carriage or a horseman suggests the possible advent of some

person whose duty or pleasure it may be to keep them up to their work. As for the convict sub-overseer, who, one of themselves, is appointed without pay to coerce the rest—no very active control can be expected from him."

After referring to the earlier settlement of Van Diemen's Land by convicts from New South Wales (1803), the writer continues :—" Thus Van Diemen's Land is a child of Botany Bay, born when the latter was still in her teens. The babe of grace continued to thrive, although very nearly starved to death in its earlier days while still at nurse under the elder colony—kangaroo flesh being then greedily bought at 1/6 per pound, and seaweed becoming a fashionable vegetable for want of better food. After about three years, however, cattle and sheep were introduced into the island in considerable numbers, and were found to flourish exceedingly wherever the most moderate amount of care was bestowed upon them. The ports being closed against any but king's ships, the colony received but few recruits except by successive drafts of doubly-distilled rogues from New South Wales. After a few years, however, the interdict against commerce was removed; many military officers serving there settled down on grants of land; a considerable band of emigrants was brought by the Government from Norfolk Island, when that place was selected for a penal settlement ; freed prisoners increased and multiplied, and spread themselves over the interior ; but no direct emigration from the British Isles occurred before 1821, when a census being taken, the white population was found to amount to 7000 souls. In 1824 a supreme court of judicature was established from Home—Judges having hitherto been sent from Sydney to hold occasional sessions at Hobart Town. In the same year having obtained her majority, she petitioned for release from the filial ties

connecting her with Sydney ; and in 1825 she was by imperial fiat erected into an independent colony. The progress of the island has been surprisingly rapid ; although, like New South Wales, its prosperity as a colony has been chequered by occasional reverses. . . . Money must have been plentiful in 1835, when a piece of land at Hobart Town was sold for £3,600 per acre. . . . In the census of 1847 the population had reached a total of 70,164. Among the actual convict-class the disparity between the sexes was very great as shewn by the following official returns :—‘ Of the ticket-of-leave holders the males are five to one ; of the prisoners in Government employ eight to one ; and of pass-holders in service also eight to one. In other words, the males are 29½ per cent. and the females only 5 per cent. ; making a difference between the sexes of 24½ per cent. in this class of the population. On the 31st December, 1858, the convict population was 25,459, of whom 40 per cent. held tickets-of-leave, 48 per cent. were pass-holders, and 12 per cent were under probation of sentence.’ . . . Tasmania is a more musical *alias* adopted by the island. It has been given in titular distinction to the first bishop.”

During his visit Mundy was accompanied by an officer whose duty it was to make periodical inspections of the several hospitals, probation stations, and the female convict factory at the Cascades, and he thus describes some of the sights that opened before him :—

“ The Cascades factory is seated at the foot of Mount Wellington, wedged in a gully between hills. The buildings are enclosed within a high wall, with barred gates and vigilant turnkeys ; it is, in short, a gaol in every respect, according to the respective deserts of its inmates. We were received at the entrance by the matron, a dignified lady who looked

quite capable of maintaining strict discipline whether in a public or in a merely domestic establishment. From her hands we received in due military form 'the morning state' of her garrison—which, as it appeared, amounted to 730 women and 130 infants. In turn we visited the several courts, solitary cells, the hospital, refectories, dormitories, and lavatories. In one yard was formed up for our inspection in hollow square, seventy or eighty women—open to be hired as servants. These, as we were informed, were the better conducted, and the pregnant women. In another court were a strong division of more troublesome and notorious characters, who were under restraint, and not permitted to go into service. The uniform, a very unbecoming one to the person, however becoming to the station of the wearer, is a white mob cap and a dress of grey duffle. As we passed down the ranks the poor creatures saluted us with a running fire of curtseys, and a dead silence was everywhere observed. In a large exercise yard, with an open shed in the centre affording shelter from the sun, we found some sixty women with as many babies from two years to two days old—women and children were all silent! One would have thought them all deaf and dumb;—never was I before in so numerous a nursery—I hope I never may again! The children were mostly healthy and pretty. As for their mothers—there must, I suppose be a good deal in dress as an element of beauty, for I scarcely saw a tolerably pretty woman in seven hundred. Some of the females, I found, were the hired nurses of the establishment—not the mothers of the children. Of these latter many, it appears, merely enter the factory to deposit their 'kid-forlorn,' and, when sufficiently recovered, return to service in the town or country in the district to which their ticket or pass extends, and not a few re-enter its

walls as soon as it is possible for them to require again obstetric assistance. It is nothing to say that many of these poor brats will never know their own fathers;—their mothers, perhaps, know them no better; and many of the wretched little ones, in the hands of the nurses, will never know either parent. The public consoles itself with the dry fact that they will all come into the labour market. A large ward was allotted to the midday sleep of the poor little babes. It was rather a pretty sight for a father (of none of them) to contemplate. There were a score or so of wooden cribs, in each of which lay two, three, or four innocents, stowed away head and tail, like *sardines a l'huile*; while others were curling about like a litter of kittens in a basket of straw. All were wonderfully good—chiefly, I suspect, because there was no anxious mamma nor fussy nurse constantly soliciting them to do so.

“The visiting-surgeon of the establishment, whom I accompanied, had found it necessary to prescribe half rations and gentle medical treatment to a certain turbulent few of the prisoners; and as it was whispered to him that his fair but fierce patients meditated a remonstrance when it came to their turn to be visited; and as there was little doubt this appeal would have taken a Billingsgate form, the prudent medico postponed hearing it, which, I confess, was to me a great relief. This was on his part a merciful as well as a discreet step, because the half-rations of the insurgents would assuredly have been further reduced to bread and water discussed in silence and solitude—a thing no woman loveth. Forty-eight hours of this kind of single-blessedness, with the above meagre diet and a prescription slightly productive of nausea, occasions, it is said, a prodigiously soothing effect upon ladies afflicted with gross health and fiery temperaments.

Going along the avenues of solitary cells, there was a great unlocking of massive doors, and a questioning of 'Have you any complaints?' I only looked into two or three. One woman was carding, another combing wool. A third cell, on being opened, I found to be completely darkened;—it seemed empty, so I passed within the door to examine its construction. It looked like the den of a wolf, and I almost started back when from the extreme end of the floor I found a pair of bright, flashing eyes fixed on mine. Their owner arose and took a step or two forward; it was a small, slight, and quite young girl—very beautiful in feature and complexion—but it was the fierce beauty of the wild cat! I am a steady married man, of a certain age—but at no period of my life would I, for a trifle, have shared for half an hour the cell of that sleek little savage; for when she purred loudest I should have been most afraid of her claws! As the heavy door slammed in her face, and the strong bolts shot into the grooves, the turnkey informed me that this was one of the most refractory and unmanageable characters in the prison. . . . I had no more stomach for solitary cells that day.

"One of the great yards of the factory was devoted to laundress work. Squads of women were up to their shoulders in suds—carrying on the cruel process of wringing—or displaying their thick ankles as they spread the linen over the drying lines. The townsfolk may have their washing done here at 1/6 per dozen, the money going towards the expenses of the institution. I was pained to see so many very youthful creatures in this yard—delinquents in their earliest teens; debauched 'ere the pith had hardened in their little bones. We had a glimpse of a room full of sempstresses, most of them employed on fine work. It was not impossible, the matron said, that some of the elaborate shirt-fronts we

should see at the Government House ball this evening had been worked in this, and washed and 'got up' in the last ward. A rougher fabric, done by the less-skilled prisoners, is a coarse kind of woollen tweed, only used for prison-dresses. . . . The cleanliness of the prison was almost dazzling, and the order and discipline appeared faultless."

There were other factories besides that described by Mundy, and a newspaper report on 10th January, 1851, gave the following statement of the number of female pass-holders awaiting hire:—Hobart Town Brickfields Depot, 276; Cascades Factory, 176; New Town Farm, 71; Launceston, Factory, 38; Ross Hiring Depot, 49.—Total 610.

Mundy gives a graphic description of the country through which he passed on his way to Eagle Hawk Neck. "This post," says he "by reason of its somewhat unique feature—a line of canine sentries—is one of the lions of Van Diemen's Land. On either shore of the inlet running up to the station there is a chain of huts, each containing a constable and his dog, to prevent the escape of runaways by swimming this arm of the sea—a desperate measure, since the fugitive fortunate enough to evade the tipstaff and the mastiff would have to battle the watch with an outlying picquet of sharks abounding in these waters. It was related to me that, on one occasion, four prisoners, good swimmers, led by a notorious black named Jacky, attempted to cross from a headland called Sympathy Point to Woody Island, and thence to Forester's Peninsular. The Englishmen—perhaps because their fair skin acted as whitebait for the sharks—were one and all seized and devoured by these tigers of the deep; the native made good his landing, but was afterwards retaken. No sooner came we in sight of the low, sandy, scrub-grown isthmus which cuts across the head of the inlet, than our ears

were saluted by the bay of the deep-mouthed dogs, and as we walked up the pier towards the guard room at the end of it, they all joined in a grand chorus, including three or four videttes stationed on little platforms laid on piles in the water. Two armed sentries are posted on the narrowest part of the neck, the one on the ocean side of it—in Pirate's Cove—the other on the inlet side of it. The dogs, each chained to a post, with a barrel for a kennel, and a lamp to illuminate his night watch, connect their two biped fellow-sentinels, and complete the cordon. The dogs were generally of a large rough breed, mongrels of the most promiscuous derivation, but powerful and ferocious. One of the family, who was permitted to roam at large, amused himself sometimes, and kept his teeth and temper in practice by running into the shallow and fighting with the sharks: and he not unfrequently succeeded in dragging them ashore. There are fourteen dogs 'on the chain' at present.

"Passing Woody Island and Sympathy Point—the scene of the fatal swim before mentioned—we came to an anchorage for the night just after dusk, off a small station—nameless as far as I know—at the head of Norfolk Bay, where, there being no accommodation, we slept on board. A commissary officer, who resides here in all the solitude permitted him by a wife and six children, came off and kindly undertook to arrange for our passage to Port Arthur in the morning, by railway. 'By railway!' exclaims the reader, 'a railway at the Antipodes?'—Yes, by railway—not propelled by steam power, however, but by human thews and sinews, and in the sweat of the human brow! At 7 p.m. we landed on a rough pier of timber, upon which the rail, or rather the wooden tram-way, abuts; and in the middle of the dreary little settlement, which consists of the commissary's quarters

and a few huts, we found a couple of low trucks on four wheels with two benches in each, and, standing next these not elegant vehicles, eight convicts dressed in the grey and yellow garb; another, in grey unvariegated, being in attendance as head man of the gang. These were to be our teams. Dividing ourselves into two parties, Dr. and Mrs. —, and I, got into one, and two tolerably weighty gentlemen into the other. Upon this, the prisoners seized certain bars crossing the front and back of the carriages, and, after pushing them with great toil up a considerable plane, reached the top of a long descent, where, getting up steam, they rattled down at a tremendous speed—tremendous, indeed, to lady-like nerves—the chains round their ankles clinking and clanking as they trotted along; and as soon as the carriages in their headlong race down the hill, exceeded the possible speed of that slowest of all animals, man, at a word from their leader the runners jumped upon the sides of the trucks in rather unpleasant proximity with the passengers, and away we all went, bondsmen and freemen, jolting and swaying in a manner that smacked somewhat too much of the *diabolique* take the hindmost—although a man sitting behind contrived, more and less, to lock a wheel with a wooden crow-bar when the descent became so rapid as to call for remonstrance. Accidents have not infrequently occurred when travellers by this rail have encouraged, or not forbidden, the men to abandon the trucks to their own momentum down the hills; for there are several sharpish turns in the line, and the tramway is of the roughest construction. Occasionally, perhaps, these capsize have not been purely accidental when travellers obnoxious to the motive powers have fallen into their hands. One of the highest public officers of the colony met, as I was told, with

a tremendous upset on this railway. Rolling, without much damage, into the ditch, he was picked up, '*terres atque rotundus*,' by the 'canary birds,' who placed him upon his legs, and amid a thousand expressions of contrition set to work to brush the dirt off his clothes, and so officious were they, that, on his first reference to his pockets neither watch nor purse were to be found!

"Half-way we halted at a police-station—not to take in water for the engines, but to grease the wheels and breathe the men—and then proceeded with renewed vigour. The distance from our starting point in Norfolk Bay to Long Bay, an arm of Port Arthur, by the railway, may be five or six miles. It is sometimes performed in half-an-hour; but to-day having a nervous passenger, the men did not put forth their best speed. The tramway, alongside of which there is a bridle-road, lays through a forest-tract of the most splendid timber wholly wild and uncleared, the largest trees being the blue gum for which the island is famous. Our mode of travelling through this fine forest was not precisely such as to add to our enjoyment of the scene;—indeed, it jarred most distressingly on my feelings; for our poor beasts of burden at the end of the traject seemed terribly jaded, and I saw one of them continually trying to shift the irons from a galled spot on his ankle. Returning by this same route in the afternoon, we were requested by the head man to halt a few minutes for the men to get something to eat. The overseer told us that these men had breakfasted at four in the morning at Norfolk Bay, had run up the trucks with half a ton of rations to Long Bay, and had returned to Norfolk Bay for our party by half past six. . . . The men employed on this tramway, which is more used for the transport of stores and provisions than of passengers, are under sentence

of hard labour, and those who are young and active enough to go the pace prefer it to other task-work—chiefly, I suspect, because many passengers, in flagrant breach of the convict rules, bestow some small reward on the wretched dragsmen, whereby they are enable to procure tobacco—the grand desideratum of all prisoners, and other trifling luxuries the value of which a man never fully knows until they are unattainable.

“The penal township of Port Arthur is the headquarters, both military and convict, of the peninsular. There are at present about 350 prisoners, and the garrison consists of a captain and seventy grenadiers of the 99th. I had made up my mind to find in Port Arthur all the gloomy attributes of a huge donjon. I expected, and I believe wished, to see the features of nature and the institutions of man frowning in grim and dreary concert on the spot expressly selected for the punishment of Britain's blackest malefactors—one half of whom, perhaps, ere the criminal law of England was amended (or diluted) would have paid the penalty of their misdeeds on the scaffold. There is, however, in fact, nothing of the Bastile in the aspect of the town of Port Arthur—nothing of the desert waste where the felons of other nations are condemned to linger out their hopeless lives. . . . We saw the cooking and baking for the prisoners; and better bread and meat and more savoury broth were never served up at an English yeoman's table; half as good never to that of the English labourer on Sunday, nor to the Irish cottier twice a year. We walked through the prisoners' refectory at their dinner-hour. They were sitting quietly at their tables, while one of each dozen divided the food into shares. I was told—whether in joke or an earnest way he doubted—that, if I waited until the meal was over, I should see a

waiter going round with pipes and tobacco for such of the guests who desired a whiff of Virginia. . . . We next visited an admirable edifice nearly finished at vast expense for the prosecution of the silent and solitary system. There are long galleries of 'separate apartments,' as they are delicately termed; courtyards where the prisoners are brought out one by one to take their exercise under the eye of a constable; and a chapel so fitted up that each man will—like a prebend or a horse, have a stall to himself, and so constructed that he can see no one but the parsons and the constables. The prisoners not in solitary confinement are marched to church, and have large pews or rather pens for their accommodation. . . . The present or probation scheme has for its main features the blending correction with instruction moral and religious, a careful classification of the prisoners, rigorously enforced hard labour, and solitary confinement under unblinking surveillance, for the hardened and refractory; with the lash, Norfolk Island and the gibbet for the utterly irreclaimable. On the other hand, milder treatment for mitigated criminals, and for the well-conducted the certain prospect of the pass, the ticket, and the still larger boon of conditional pardon, after periods of servitude graduated according to the sentences and conduct under sentence. According to the present scheme the prisoner at no period is compelled to work without payment, except while his own bad conduct past or present restricts him to the government establishments. On the first relaxation of his bonds he comes into the labour-market on pretty nearly equal terms with the free laborer.

"Getting coal (at the mines) is considered the most irksome and arduous branch of convict labour. The station here, like most others in Van Diemen's Land, was, until

lately, kept in subjection by a military guard. A married officer was in command for some time, and such was the character of the *populus vivorum* around him, that the females of his family could not move out without an escort of armed men. Pan-Demons' Land would be almost too mild a name for a region where such a state of things existed !"

Speaking of the Male Penitentiary, which he visited one Sunday afternoon, Mundy says :—"The edifice is built of solid stone, with a formidable wall surrounding it, and is situated within the city. My friend and myself were most civilly received by the governor of the gaol, who straightway conducted us to the messroom, where the prisoners were attending an evening lecture by the catechist of the prison. This officer, standing in a high reading-desk, and selecting a subject from Scripture (the life of our Saviour was that under present consideration) mingled his discourse with questions addressed generally to his hearers ; nor did he fail to meet a prompt and intelligent reply, sometimes from two or more respondents. All were quiet and apparently attentive, but the answers came from but few. A hymn was sung also in good time and tune, but the performers were, likewise, a select few. The worst class of men, in their piebald dress, were separated from those in pepper-and-salt, (who are for hire by private individuals), and these again were separated from a more juvenile class, the Parkhurst lads. There are usually from 700 to 1000 men in this prison. A fine range of solitary cells has just been erected. The greatest care is observed in the classification of the offenders, in order to prevent the contamination of the bad by the worse. The labour, too, is apportioned by a scale elaborately kept, whereby the age, physical powers, and health of each person as computed by the medical attendant, are taken into

account. At the conclusion of the lecture the prisoners marched through a line of constables to their sleeping-rooms which are built to accommodate about 30 men, in two tiers of berths—a better arrangement than the old dormitories of 300 or 400 persons, but still I think not sufficiently divided. There are lamps burning all night in each room, and a watchman with list slippers, having charge of a certain set of rooms, creeps about the landing places, maintaining order and decency under heavy penalties. The wretched gaol birds had all gone to roost in their respective nests when I looked into some of the rooms. Under former and more lax systems, I was informed, the short period between turning in and falling asleep was employed, and perhaps lengthened, by the most villanous, disgusting, and blasphemous conversation. No dormitory of nuns—placid votaries of celibacy and religion—could have been more silent and tranquil than the night-cells of these branded outcasts; and how is this managed? I really hardly knew whether to burst into a fit of laughter, or to view with admiration and approval the scene which was enacting in each sleeping-room. A large tin oil lamp supplied the chamber with light; and seated on the top of the ladder under the lamp was a man, one of the prisoners, book in hand, reading aloud—reading, in short, those very luxurious rogues, whose heads on their pillows were turned towards the lector, to sleep! The prison-readers are of course selected from among the best educated men; the lecture continues from eight to nine o'clock, and is credited to the performers as so much hard labour; on Sundays serious books are allotted for these nocturnal lectures; on weekdays subjects of general information and amusement afford a lighter lullaby, probably less rapid in its operation. During the hour or two I passed in this penitentiary, such

was the perfect order and silence observed, that I did not hear a word spoken except by the officers and attendants. It may fairly be styled a model prison."

In the few extracts I have given from Mundy's "Antipodes," some light is thrown upon the social life of the metropolis of Van Diemen's Land. A great deal has been written of life on the island, and exhaustive description thereof here would doubtless be considered out of place; but I may be pardoned for making some reference to the habits and customs of those who represented respectability and were not responsible to gaolers for every word spoken and every deed done. For twenty years after the sailing of the first fleet to form the settlement, the place was almost destitute of any of those agencies which "make for righteousness," and if there were any teachers of morality in the land their voices were not heard. The Rev. Robert Knopwood was the first chaplain, but he does not appear to have devoted much time to ministerial functions. One not unfriendly writer, speaking from personal knowledge, thus refers to him and his work:—"As he never married, his exuberant spirits, his partiality for lively company, his reputation for jollity, and his preference for ladies' society, exposed him, in those days of lax morality, to some free, but not ill-natured criticism. No one accused him of a want of benevolence, and all commended his gentlemanly demeanour. He was fond of his pipe; and for a number of years he was accustomed to dine at the hotel, with his bachelor friends, after church on Sunday. When much displeased he might employ the language of the period. Though a clergyman he despised hypocrisy, and his reputed saying was 'Do as I say, not as I do.' His manner of reading the higher numbers of the Commandments furnished a joke for the profane. He was decidedly popular, as

Charles the Second was, with the lower classes. As a magistrate he was not harsh in judgment nor cruel in sentence. To one who complained, however, of the injustice of some penalty, he is reported to have mildly said 'Never mind; take your dozen; it will do for another time.'

Mr. Knopwood resigned his incumbency in 1823, and retired with a pension from the colonial fund, his place being filled by Mr. Bedford, who had been an active worker in the London prisons, and who reached his sphere of labours at a time when drunkenness and licentiousness in high places were so vigorous as to threaten the complete disorganization of society, more than one of the Governors of Van Diemen's Land having encouraged viciousness by themselves to a great extent indulging therein. Here is what the writer from whom I have already quoted says on this subject:—"That which peremptorily called for the reprobation of authority, but which was sanctioned by the usage of the highest officials, was the vice of lasciviousness. Thanks to the despotism of penal discipline, there was little hindrance to the freedom of sin. The males were greatly in excess of the females. Both parties were, of course, with very few exceptions, of the prisoner class; and neither sex was characterized by refinement, honour, or virtue. The women were certainly abandoned enough without the degrading associations of their present existence, and the threats as well as allurements which precipitated their further decline. The consequence of all this was the practice of concubinage, and an illicit intercourse approaching the promiscuous. The feelings of the newly-arrived chaplain may well be conceived. He wept, he raged, he prayed. Instances are on record of good men being so dismayed at the scenes of vice before them, that they were constrained to

retire before it. The pastor of Hobart Town was made of sterner stuff. Indignation got the better of his sympathy. His righteous excitement was kindled, not against the poor outcast prisoner, but against the authorities in office. These were seen to live shamelessly in sin. Against these he thundered with a Knox-like zeal in the church which they were forced in etiquette to attend. He denounced their guilt in the language of the old seers, and uttered warnings and judgments with the energy of an Elijah. He rested not here. To purify the land, he appealed to the executive. If a change of heart could not be secured, at least the outward shame of sin might be removed. It would be idle for him to enforce the seventh command upon the convicts, when they saw its open violation by their superiors. He found an able seconder of his schemes of reformation in Governor Arthur, then recently appointed. A Government order was issued, commanding all officers, on pain of dismissal from public service, to amend their lives, and to be united in matrimony with those with whom they had been publicly living in shame; and by whom, in many cases, they had a family. This struck terror into the community of officials. They wished to retain their position, but not to be fettered by the marriage tie. They conjured and they blustered; they presented memorials, and they condemned the tyranny, but all in vain; the law was intended for obedience. Then the malcontents turned upon the real author of this invasion of the rights of their domestic institutions. They sought to cajole him in private; they insulted him in public. They appealed to his generosity at one time, to his fears at another. Prayers, bribes, and threats were all in vain. The *Fighting Chaplain* was not to be driven from his entrenchments, nor seduced from his duty. Gradually and sulkily the discomfited chiefs gave in. Their

mistresses were made wives, and their children were legitimated in the eyes of the law. Then, and not till then, did the champion of virtue attack those of lesser name, and bring his influence to bear upon their conduct." The writer closes his reference to this good man's work by saying that the lovers of colonial virtue will never cease to recognise with gratitude the labours of the Rev. Dr. Bedford, the venerable chaplain of Hobart Town.

Concerning the prevalence of drunkenness in Hobart Town many testimonies are given. It is said that at one sitting in a tavern six emancipists drank seven bottles of sherry and forty-one bottles of porter; that two women, "Fat Katherine" and "Carrotty Kit" undertook in a drunken frolic to swim the river Derwent for a wager of rum; that the public executioner drank himself to death in 1818; that one of the first Governors was styled, for his drunken habits, "Mad Davey;" that the whole colony for weeks under one of the early Governors was drunk together. The editor of one of the early papers declared, "One half of those that die in the colony at the present time—perish directly or indirectly through drink." Women sold grog for the officers, following the example set in Sydney, and instead of money the constables received rum for their services, an allowance being served out every quarter at the rate of a quart for each week, subsequently reduced to a pint per week, as it was found that the constables became grog-sellers and thus interfered with legitimate trade. One early resident has placed the following pregnant sentence on record:—"I remember when I arrived here first, the public houses were filled with convicts, night and day, tippling, gambling and concocting robberies. It was often dangerous to walk the streets in day-time."

From some unaccountable official neglect, until Governor Sorell's time, no secure night asylum was provided for the convicts in Government employ, and they were thus at liberty to prey upon the well-disposed after working hours. It is on record that the night after one of the leading merchants of Hobart Town had been buried the silver plate was stolen from the coffin. Tradesmen were in the habit of keeping loaded firearms at hand while serving in their shops, fearing robbery even in the daytime; and so low was the state of public morals that the Inspector of Public Works spoke of the existing depravity as being fearful, "unparalleled in any age." This was in 1822, and an English clergyman described the island as "that den of thieves, that cave of robbers, that cage of unclean birds, that isthmus between earth and hell!" In the earlier days the authorities literally "strained at a gnat and swallowed a camel," for while they themselves lived abominably corrupt lives they issued most stringent orders concerning the sanctity of the Sabbath, prohibiting all movement in the town during the hours of Divine service; making carriers and drovers unyoke their bullocks, bakers put out their fires, butchers stop killing, and milkmen cease their perambulations and cries—all the practices forbidden being described as "profanations of the Lord's Day, vulgarly and improperly called Sabbath-breaking." Read apart from other records these public orders would lead persons to think the Van Demonians were a godly people, yet at the very time these Government orders were promulgated and being enforced, grog was sold openly by prostitutes for the benefit of the officers, scarcely a single official attended public worship, and not one in ten of the law administrators was living with his own wife.

Sales of wives, both public and private, we are told, were

common. One woman was sold for fifty sheep, another for £5 and a gallon of rum, and another for twenty sheep and a gallon of rum; yet while these things were allowed, no couple could be joined in "holy wedlock" without first obtaining a Government stamped order. The female convicts at one time were common property. As in the case of the male convicts, the females had no place of night shelter provided for them upon their arrival, although rations of food were provided, and they had to find shelter where and how they best could. Bonwick, whose voluminous and reliable sketches of life in Van Diemen's Land are most valuable as records of the early days, referring to the state of morals existing at the time of which I am writing, says:—"That which was so fertile a source of vice was the numerical disproportion of the sexes. Very few women came out as prisoners in the early times. After a time some good people in England sought to rectify the evil by the shipment of free but destitute, young women. The selection could not have been happy. A dozen, sent out by a religious society, were christened by the sailors 'The Twelve Apostles;' and Dr. Cunningham informs us of 'a goodly proportion of that chosen band being found in a matronly way by the reverend inspector, who visited them on arrival.' One of the female immigrants wrote thus to a friend in England: 'Out of two hundred and sixty-eight that came out with me, I verily believe that there were not more than twenty who have any claim to a good name, being driven to the most wretched and loathsome debauchery.' When the Government continued to pour convicts upon the devoted island, in spite of the protestations of the free and emancipated inhabitants, who wished for some more moral atmosphere for their children, the social evils increased and the hope of the colonists

declined. Petitions were presented, in 1835, against this terrible scourge. The Anti-Transportation League was subsequently organized, and an active opposition was presented to the impolitic, unchristian, and inhuman acts of the British Government. Petitions to Parliament, and memorials from Tasmanian mothers to the Queen were alike disregarded; the fairest of isles was to be, apparently, doomed as the dust-hole of Britain for ever. Nothing but the inexorable logic of events in the Australian gold discovery stayed the hand of the moral destroyer of Tasmania. . . . The disproportion of sexes varied in years, and greatly differed according to condition and locality. Thus we find that, in 1834, the relation of males to females in Hobart Town and Launceston was as 7 to 5 among the free and 34 to 1 among the bond. But in the sparsely populated agricultural districts, where male labour only was required, the proportion was remarkably different, being as 3 to 3 with the free, and 17 to 1 with the bond. In the whole island, of 40,283 persons, 11,482 were females. One sad consequence of this disproportion was the exposure of women to unwonted temptation and to atrocious violence. Free women, and girls of colonial families, were often severely tried, and their moral sense was blunted by the tone of society. When female emigrants were shipped off from England by the philanthropic efforts of Mrs. Fry and her friends, in the hope of correcting the evils of the island, and finding homes for destitute and ill-supported girls, the only immediate preceptible effect was a vast increase of prostitution in the streets of Hobart Town. But the darkest shade has yet to be revealed. It would not be honest in the historian to be silent about one evil that pre-eminently cursed the penal settlements of Australia and Van Diemen's Land, and resulting less from the paucity of


females than the brutal sensuality of men of crime, herded in masses together, still further to corrupt each other. By no means unfrequent in the older colonial days the vice of the sunken cities of the plains prevailed more under the congregated Probation System than in the times of the general assignment of convicts."

It must be as pleasing to the reader unacquainted with the island, as the knowledge that the statement is absolutely true is gratifying to the colonists, to know that in 1870 Bonwick could write: "Yet Tasmania has now a larger proportion of church-going people than England, a much larger number of Sabbath school attendants, and a degree of active benevolence, social prosperity and even moral development, that surprises even thoughtful colonists themselves."

As in the case of New South Wales, the scars of the old convict sore have entirely disappeared, and vigorous national life in its very best phases now flourishes on the soil once cursed by criminality of the darkest hue.



CHAPTER XVIII.—A HORRIBLE STORY.

 THE following confession of the convict Pierce, murderer and cannibal of Van Diemen's Land, is taken from papers which were laid before the Committee of the House of Commons in 1838:—

Alexandra Pierce, Deponent:

Sayeth, that he was working with a gang at Kelly's Basin, with overseer Logans. Deponent, Bob Greenhill, Mathew Travers, Thomas Bodenham, James Brown, Bill Cornelius *alias* Kennedy, John Mathers, and Alexander Dalton made it up for to take a boat and proceed (from Macquarie Harbour) to Hobart Town; Greenhill being at the mines we had to call for him, he being a good navigator. As soon as he saw the boat he put on his jacket to know what we were up to; six of us went ashore and one stopped in the boat; Greenhill took hold of an axe and went to the hut, and broke open the miners' chest and took all their provisions. We then took two buckets of water to put the fire out so that they should not make a signal; we then thought we had all the fire extinguished, but when we had got about a quarter of a mile distant we found we had not put it completely out, for we saw the miners making fires all along the beach; we then considered that there would be a boat despatched after us, which prevented us going by water; we proceeded on a little further and drew up the boat; we then consulted what was best to do with the boat; Mathews Travers and Greenhill said it was best to break her up, as we had two good axes, which we did. This prevented

us from going to Mr. Lucas and taking all his provisions, as he was going up to the settlement that day with oil from a whale he had killed. This we had in contemplation some time before. Everyone took a little something, either provisions or an axe; we then proceeded on that, it being fine, to the side of the large mountain, right opposite the settlement; we were afraid that Dr. Spencer or the Commandant would see us with the spy glass, the settlement appeared so very plain to us, so we agreed to lie down till the sun would get a little round that we might not be seen; we advanced up to the top and kindled a fire, where we stopped all night. The next morning, as soon as day appeared, we started and travelled on to dark night. The next morning we rose early and travelled towards the east; we kept off Gordon River for fear the soldiers would be after us; we travelled through a very rough part of the country to dark night. We came to the side of a large hill, where we kindled a fire, and there remained until morning; we then proceeded on through a very rough country for eight days, till we came to the side of a large mountain; we then kindled a fire; we were in a very weak state for provision, as we had been out for two days before our arrival here. Little Brown, who came back and died in the hospital, was the worst walker of any; he always fell behind and then kept cooeing, so that we said we would leave him behind if he did not keep up better; we kindled the fires this night above all nights; as we were all very weak and were disputing who would get wood, so everyone got some for themselves and made their fire. Bill Cornelius made some tinder this night and left it by, as he had some intention to turn back; three days before the other tinder got wet; we were very cold and hungry. Bill Cornelius says "I am so weak that I could eat a piece of

a man." The morning after this there were four of us for a feast. Bob Greenhill was the first who introduced it, and said that he had seen the like done before and that it eat much like a little pork. Mathers spoke out and said it would be a murder to do it, and then perhaps they could not eat it. "I will warrant you," said Greenhill, "I will well do it first myself, and eat the first of it; but you must all lend a hand, so that you may be equal in the crime." We then consulted who should fall. Greenhill said "Dalton, as he volunteered to be flogger, we will kill him." Dalton, Brown and Cornelius had a few bushes and made a little break-wind. About three o'clock in the morning Dalton was asleep; then Greenhill ran and took an axe and struck him on the head, and he never spoke a word after; he called — Mathew Travers with a knife also came and cut his throat, and bled him; we then dragged him to a distance, and cut off his clothes, and tore out his inside and cut off his head; then Mathew Travers and Greenhill put his heart and liver on the fire, and eat it before it was right warm; they asked the rest would they have any, but they would not eat any that night; the next morning it was cut up and divided, and each one got an equal share. We then got on our way a little after sunrise; there was a man appointed each day to go in front; this man had to carry nothing, but was only to make the road. Bill Cornefus and Brown said they would carry the tin pots and a little tomahawk; we had not gone more than a quarter of a mile from the fires when Brown and Cornelius were missing, we turned round and looked, but could not see any signs of them; we then said amongst ourselves that they had turned back, as they had seen the Gordon River, and that they would hang us all; we returned back and stopped for a quarter of an hour, but could not see any signs of them;

we then thought it was no use to go any further in pursuit of them, as we thought they could not make their way back. We then proceeded on for four days through a bad country till we came to a large river which we thought to be Gordon River; we stopped there one day and two nights looking for a place to cross; we fell two trees, but the stream was so rapid it swept them away instantly; we then came to a place where there was a rock extending from the opposite side to about the middle of the water; there were two of us could not swim, Mathew Travers and Bodenham; three of us swam over and cut a long pole, 30 or 40 feet long, and got on the rock and reached over and dragged the other two over by this means; we then kindled a fire on the opposite side and stopped there all night; John Mathers took a purging and begged that we would remain a little longer; so we did stop another night; we then got up the hill on the opposite side with great difficulty, it being so steep; it was barren ground for miles on the other side of this hill. John Mathers had the tinder in his breast, and by some means it dropped down into his trousers, and Mathew Travers ran and lifted up the axe and said he would kill him if he did not give it to him immediately; we then lay this night in the cleft of a rock and the next morning were scarcely able to move, for we were so cold and wet. We then proceeded on for four days through barren and very scrubby ground, we then came to a very nice plain and agreed to stop there all night; we were all in a most weak state. Mathews Travers, Greenhill and Mathers went to aside and consulted who should be killed next. Bodenham did not know anything about it; then Travers, Mathers and Greenhill came down to the fire and bade me and Mathers go and get some wood, while Bodenham would wake easy; Travers says "You will hear it immediately;"

so, in about two minutes I heard a blow given, and Mathers said "He is done, Greenhill hit him with the axe and Travers cut his throat." They laid him out and Bob Greenhill took his shoes and put them on himself, as his own was bad. The heart and liver was all that was made use of that night. We then thought we would take a day's rest as we had provisions, so we stopped another day in the plains; we then dried the dead body and proceeded on our way, through a marshy ground, for three days, bearing to our right. We then crossed the first western tier; we could see a great distance from off the top of the mountain. On the opposite side there was marshy ground, with a large river in the middle, and there was very fine trees growing on the banks. We then stopped at the river for one night, we then went up the river side, bearing more to the left for three days, and we saw many kangaroos and emus, and game of all kinds; then our provisions were all out. We then said to ourselves that we would all die together before anything else should happen. John Mathers and deponent went to one side, and Mathers said, "Pierce, let us go by ourselves; you see what kind of a cove Greenhill is; he would kill his father before he would fast one day." We then went on for two or three days after this, through a very fine country, and you could see 70 miles without any bush. We then took and boiled some of Bodenham; Mathers boiled the first and it made him so sick that he began to vomit; Greenhill started up and took the axe and hit him on the forehead; he shouted "Murder! Pierce, will you see me killed?" He cut him, but being stronger than Greenhill he took the axe and threw it to me to keep. We then went on a little further, to another little creek of fresh water, where we took up our lodgings that night, I went to a little distance, and, looking round, I saw

Travers and Greenhill collaring him, and they told him they would give him half an hour to pray for himself, which was agreed to; he then gave the Prayer-book to me and laid down his head, and Greenhill took up the axe and killed him. We then stopped two days in this place; we then proceeded on our journey, each man getting an equal share; we then got forward to the second tier of mountains where we had to remain four days from a sting that Mathew Travers received in his foot; his foot got a little better and we proceeded on until we got over the second tier of mountains, on the fifth day after the death of Mathers. On the opposite side of the second tier we came to a very large river, where we made a fire and stayed for two nights and one day. Greenhill and I went up and down the side of the river looking for a place that was narrow as Travers could not swim. Greenhill and I swam across; he carried the axe and I took a little of the provisions that remained; we then cut a long wattle and put it across to Travers and pulled him over; we then stopped on the other side that night; we then proceeded on for two days after this through very fine country. Travers' foot began to inflame and turned black, and he said we had better go on and leave him there. Bob Greenhill and I went to get a little wood; he said "Pierce, it is of no use to be detained any longer, and we will serve him as the rest," Deponent said "I will not have any hand in his death." When we came back Travers lay flat on the ground from the pain in his foot, he was in all appearance asleep; this was about two o'clock in the day. Greenhill lifted the axe and hit him Travers, on the head and cut his throat. We then stopped two days at this place, we then took all we could with us and got on, inclining to the left, through a very fine country; the weather was beginning to get better. We then got over

the third tier of western mountains and came to another large river at the foot of the third tier, and we stopped there all night; the next morning we got across the river, part of it we swam and part waded; we came to a most delightful part of the country, where there was very long grass. Greenhill began to fret, and said we would never get to any port with his life. I kept up my spirits all along, and thought we must shortly come to some inhabited part of the country, from the very great length we had travelled. I watched Greenhill for two nights, for I thought he eyed me much more than usual. He always kept the axe under his head when lying down, and carried it on his back in the daytime. One night we came to a little creek between two hills, where we kindled a fire. I thought he had a bad disposition as to me this night. Near the break of day I found he was asleep; I run up, took the axe from under his head, and struck him with it, and killed him; I then took part of his thigh and his arm, and went on for several days after this till all was completely done. I went on for two days without anything to eat; I then took a piece of a leather belt and was going to hang myself, but I took another notion not to do it. I went on a little further and saw a fire, and at this fire were pieces of kangaroo and opossums. I picked up these and eat what I could, and carried the remainder with me. I then went on for several days, until I came to a little marsh, where I saw a duck and ten young ones. I made a leap into the water; the old one flew and the young ones dived; I stood in the water up to my middle, and up starts two of the young ones at my feet. I made a grasp at them and caught them both. After this I went up at a little fresh-water creek, about two hours before dark. The next day after this I got on the top of a hill, and looking all round me I saw a large mountain, which I took to

be the Table Mountain. I could not be convinced as to the certainty of it, so I went on a little further ; I then came to a big river at the high plains, and travelled along it for two days. I came to a flock of sheep, which belonged to Tom Triffett, at the Falls. I drove them all forward to a scrub and made a hold at a large one, but it carried me off and I was forced to let it go, so after that I drove them up again and caught a lamb, and eat it raw. The hut-keeper came forward and said he would shoot me if I would not stop immediately. He then put some questions to me, and then he knew me. He carried the remains of the lamb, and took me with him to the hut, and made meat ready for me, where I stopped three days, and he gave me all attention. He then said that his master was coming up, and I could not stay there any longer. He brought me down the river on the fourth morning, and took me across the river to Mr. Lord's hut, where I stopped a week ; he got me rum and anything that he thought I could take. I made to another hut, which belonged to Tom Farrell. I then stopped there three weeks, sometimes in the hut and sometimes out of it, I went then to the Shannon, to Mr. Risely's hut, nine miles from the other ; the hutkeeper was not in ; I then made a fire when in came Davis and Cheetham ; they had been in the bush for some time before for stealing Caserty's sheep ; they then took me to Maquire's hut, whch is three miles and a half off, when Paddy Farrell and Maquire were there and a little boy. We stopped there till morning and drunk tea and milk. We then came to the Shannon hut again, and got our breakfast, Cheetham called me out and asked me what I was going to do. He said if I would come with him he would do well for me. He brought me to a hill, where they had a hut and 126 sheep newly marked. They went up the country to bring

more, and I stopped six days with the sheep without anyone being with me. We then started with the sheep, to take them to the Lovely Banks, when we came on a Corporal's guard of soldiers. The soldiers came out of their hut; we then ran away, and came to Bill Davis' place. The soldiers took the sheep to Captain Wood's. We stopped at Davis' three days, where I was provided with a musket and pistol, and kangaroo knapsack. We then went to Green Point, where we left our dogs at Cox's hut. We stopped there that night, and came to Stanfield's garden; each of us filled our knapsacks with fruit; Cox's man was with us; I first went from the Shannon hut to Mr. Lammas hut, at the little Sugar Loaf, as there was an old man there I knew. As soon as I went in Mrs. Mortimer was there, and immediately knew me. As soon as she saw me she said "Pierce, I thought you were sent to the new settlement." I said "No, the Governor has forgiven me." This was the woman that first made it known that I got up. I then went to my old hut, at Rodger Gavin's hut, where he had different things planted. I stopped there six days without much provisions, I then went back to the Shannon hut, where I promised that I would be back at Christmas. I then went to catch some sheep belonging to Rodger Gavin, but the herdsman saw me; he then went and gave the alarm to Bill Corney, and they pursued me, but could not get me. I went then to Captain Bligh's and got into a cave, and I got a sheep and skinned it; but I was very near being caught. I stopped there four days and then made to the Shannon hut, where Cox's man and George Marr and deponent broke the fruit trees, and each of us took a three-bushel bag of apples away. We then stopped at the Cove House all that night; we then went to a hut at Bagdad, where we stopped another night. We then

went to a man named Big Sam, and got a quarter of mutton. We then came to the Lovely Banks, where we sent in word to Bill Davis' woman, and we stopped there three days. We then went to Davis at the Lagoon, after a black gin, who was to get four bushels of flour from Johnson, the stock-keeper at the first western tier; the black girl was in the hut and we could not get her out. We dallied there that night, but was unsuccessful. We then came to Mr. Fryett's hut; we then awaked next morning and saw a corporal's guard coming upon us. Bill Davis snatched his piece and run; Corporal Kelly run after Bill Davis, and the others stayed with us; Kelly fired and missed, and Bill Davis turned and said "I have you in my power now." Kelly then run, and cried murder, and the other soldiers run up, and shot Davis through the thigh and arm. The same trousers deponent still wears that Davis had on between the Shannon hut and the Big Lake; there were 250 good sheep, and different other articles planted; two good watches. No person has been there; deponent says they are still there; deponent says that James Mortimer, at the Big Lagoon, has got Mr. Risely's two silver watches and one gold watch; he further sayeth that at the Relief Creek, at the bottom of the first western tier of moutains, and in this one mountain, there are many things planted. When we went to the bush it was all our intentions to go to the Falls and take a big launch of Mr Lacells; we were then to rob Tom Triffet and Mr Abel and another person, and take all their firearms, and cross to Brown's River to take the schooner, and to proceed home; from that Benjamin Jackson, William Jarrett, and many others were to go; we also had it in contemplation to go outside of the Heads and stop until some vessel should come in sight, and go as if we were the pilot boat, and surprise them all."

When this depraved criminal, Pearce, was taken by the military, there being no proof against him but his own confession, which was not relied upon, he was returned again to the penal settlement of Macquarie Harbour. When he was ill in the hospital expecting to die he made this statement, and it was taken down in his own words. He absconded a second time from the settlement, in 1823, with a prisoner named Cox, a farmer's labourer. A few days afterwards he surrendered himself to the authorities, but in the meantime he had murdered Cox and lived upon his body for three days, although at the time he gave himself up he had some pork and bread in his pocket, and he could not consequently have done the dark deed from pressure of the hunger pangs. He also had some fish which he had not tasted, saying that human flesh was far preferable. He told Lieutenant Cuthbertson all the particulars of the murder and that he would point out the unfortunate remains. A boat was accordingly dispatched with Pearce early next morning for King's River, well guarded. After the party had landed and walked about 400 yards by Pearce's directions, the body was found and brought to the settlement in a fearfully mangled state, being cut in two at the middle; the head off; all the flesh off the calves of the legs, back of the thighs and loins; also off the thick part of the arms, which the inhuman wretch declared was most delicious food. None of the intestines were found, and Pearce said that he threw them behind a tree after having roasted and devoured the heart and part of the liver. One of the hands was also missing.

On being questioned why he murdered Cox he said they had quarrelled about the route they were to pursue, and Cox being the strongest man he was obliged to take up

an axe, with which he knocked him down and killed him. His reason for giving himself up was, that he had no hope of ultimately escaping, and that he was so horror-struck at his own inhuman conduct that he did not know what he was about when he made the signal upon the beach, and which led to his being taken off the island. He had on the murdered man's clothes when brought back to the settlement.

On November 21st, 1823, Pearce was taken to Hobart Town, tried at the criminal court for the murder and executed.

CHAPTER XIX.—A FREE RUFFIAN.

Several references have been made in these stories to a man named Mudie, noted for his cruelty to the convicts, a short historical sketch of that individual's colonial career will not here be out of place. It will serve to show the sort of men who fattened on the sweat and blood of their more unfortunate brethren. Mudie was originally a sub-lieutenant of Marines, but had been graciously "permitted to retire" under circumstances which required the exercise of indulgence from his superiors. Entering into a medal-manufacturing speculation (commemorative of the Peninsular war) he became involved in financial difficulties and as a certificated insolvent sought to better his fortunes by crossing the water to New South Wales, being assisted thereto by a wealthy acquaintance in England. On his arrival he secured a grant of land at Patrick's Plains, on the Hunter River, in New South Wales, and in the course of a few years was able to run an extensive establishment, having on his "plantation" between forty and fifty assigned servants. The position of the convicts assigned to "The

Major," as he was called, was an unenviable one. They had better have been on the chain gang, for their master looked upon them as slaves, only created to do his bidding, and to labour continuously at the highest tension on poor food and abundant lashes. According to his theory, convicts could not be treated to the slightest indulgence without endangering their usefulness as beasts of burden, and the best of them could never be reformed. Perpetual motion and perpetual punishment were the only things favoured by him, and many a poor wretch had to serve him and suffer under him for long after the original sentence of transportation in his case had expired. The lash was Mudie's little god, and he worshipped it as a savage only can worship a thing of evil, keeping it always in motion, and never permitting the blood to get dry. And he boasted of his harshness, as though it were something whereof any man might be proud. In a book called "The Felonry" which he had printed (but which he found it necessary to suppress on account of its many libels) he drew his own portrait. Speaking of the convicts as a whole he said "Nothing could wash their guilt or obliterate its brand, . . . Regarding their punishment as a means of deterring other persons in England from the commission of similar crimes, the *prolongation of the punishment is justified even in cases in which the reformation may have already been accomplished.*"

It was right, of course, that a man of such pronounced ideas concerning transportation and penal discipline should be allowed fair opportunity of proving the truth of his theories by practical experiment, and hence Governor Darling appointed him to the magistracy. As a magistrate and a master Mudie practiced all he preached—and more. He called his establishment "Castle Forbes," in honour of the man who had assisted him to emigrate, and here it was that

the bloody work was done which made him notorious in an age of bloody deeds. The scenes which were enacted under his personal superintendence have never been fully described, for they were indescribable; but the result of his brutal treatment was soon made manifest in outrages and acts of desperation by the poor wretches who were the victims of his brutality. At last a climax was reached. Five of the convicts at "Castle Forbes," driven to desperation and despair, seized firearms at the station, broke away and took to the bush, first attempting to shoot the overseer. The men were pursued by the police, captured, and eventually hanged; but the story they told in court led to an inquiry being held, and eventually Mudie was removed from the Commission of the Peace. Here is what Judge Therry says concerning the trial of the men :—

"Convicts on their trials for capital offences were usually unprovided with counsel; they had seldom (except cattle-stealers, who were a wealthy tribe of robbers) means to defray the cost of a defence. In such cases, on the trial of aboriginal natives, Government defrayed the expense of counsel for the prisoners; but this provision did not extend to convicts. There was at this time, however, a benevolent person in Sydney, possessed of ample means, who, on condition only that his name should not be disclosed, defrayed the cost of counsel on several trials of convicts on capital charges; and on this occasion it happened to me to be thus employed as counsel for Mudie's men. The trial presented a truly painful exhibition. The men took their places in the dock, as I took mine at the bar, in utter hopelessness of their escape from conviction. They had repeatedly declared before their trial, and afterwards, that they would prefer death to being returned to the service of their late employer.


Evidence of their guilt was too transparent to admit of doubt, and the only line of defence that I conceived in any way available for them was to shew that their treatment had been such as to present some mitigatory features which might lead to the infliction of a punishment short of death. By this course I, no doubt, greatly displeased Mudie, and all who identify the duties of counsel with his private opinions, and look upon him as the approver of crime, and not the mere defender of the criminal. The men were tried under a local ordinance, called 'The Bushrangers' Act,' which rendered them liable to execution twenty-four hours after sentence. They were found guilty; and then ensued a scene in court such as is not likely again to be enacted in New South Wales, or it may be hoped anywhere. On being called upon in the usual solemnity of form to say why sentence of death should not be pronounced upon them, Hitchcock, the most intelligent of the five men, said he had no ground to offer, but he implored the Government to institute an inquiry into their past treatment; the floggings they had undergone; the frivolous excuses resorted to for the purpose of depriving them of their liberty after they had served a period that entitled them to its partial enjoyment, by being granted tickets-of-leave; the bad and insufficient food they had received; the system of merciless infliction of the lash throughout the district of the Hunter River. On behalf of the convict population he implored this act of justice and of mercy. He proceeded to denounce by name the proprietors on whose establishment he alleged these floggings were incessant. Hitchcock was stopped by the Court, and he concluded by requesting permission that he and his fellow prisoners *might be permitted to exhibit their lacerated backs to the public gaze in Court*, to show what tortures they had endured.

This request, of course, could not be complied with ; the fatal sentence was passed, and they were executed. The Solicitor-General (Mr. Plunkett) humanely forebore to insist on their execution in twenty-four hours after the sentence, and assented to their having a reasonable time to prepare for death. These prisoners were all young men, in the prime of life, varying from twenty to thirty-two. Poole, one of them, was an excellent carpenter ; and two others were mechanics. The whole scene caused a shudder that thrilled, not only through the Court, but through the heart of the colony. They died with the same expression of complaint on their lips as those to which they gave utterance on the trial."

Men shudder as they read of the tortures inflicted upon captives in the old days of darkness ; and they feel the hot blood of anger rush through their veins as they read of the horrible cruelties practiced in Siberia. But where can the reader find a more horrible tale, or a more affecting, of magisterial brutality on the one hand and passive suffering on the other ? There be wretches surely who have lived in New South Wales, sitting in high seats of honour, and wielding a power almost unlimited, whose backs shall be whipped by scorpions of fire as fiercely as they in their insensate love of blood did lash the poor mortals in this sunny land when the days of its life were young. If it be impious, it is but human, to feel a sort of satisfaction in the thought that there is a day of reckoning in their future, and that the blood of the poor, hard-driven, helpless, forsaken manacled ones does not cry unheeded to heaven from this earth. What a strong tide of wrath shall pour upon these merciless wretches when the flood-gates of Divine Justice are let loose !

The complaints of the five men did not fall upon ears altogether deaf to the cry of the sufferers. An inquiry was instituted by the Government, and the result of the investigations, to use the temperate words of Mr. Flanagan, "was a condemnation of the mode in which assigned servants were dealt with at Castle Forbes." Mudie was struck off the commission of the peace, and left for England in 1835. He gave evidence before the Transportation committee in that year, but told so many fabulous tales of the convicts as to destroy his case entirely. Portions of his evidence were ordered to be struck out by the Committee, and other parts were proved quite untrustworthy; Sir R. Peel, one of the Committee, absenting himself from the inquiry with the remark that "the witness (Mudie) under examination had told such improbable tales he could place no reliance on such evidence." Subsequently Mudie came back to the colony, but the respectable classes of the community shunned him, and his power of indulgence in his favorite pastime having been broken, he returned to England, carrying away on his back the marks of a severe horsewhipping which he had received at the hands of the son of the Attorney-General in the principal street of Sydney, as punishment for a libel upon the young man's aged father. In common with the memories of other notoriously bad men, the memory of Mudie cannot die. It must live for execration.

CHAPTER XX.—REMARKABLE CONVICTS.

MONG the many thousands of convicts sent to New South Wales there were, as I have said, many very good men and many very bad men. It would not be by any means a difficult task for a vigorous writer, having the old records before him, to fill a bulky volume with personal histories of remarkable convicts—histories full of incidents and experiences more sensational than have ever appeared in any work of fiction. I will endeavour to gather up a few of these personal histories and present them in as concise a form as possible, taking one or two from the better class first.

THE SCOTCH MARTYRS.

In the month of September, 1794, shortly before the advent of Governor Hunter, there arrived in the colony as convicts four gentlemen, known generally as the Scotch Martyrs—Messrs. Muir, Palmer, Skirving and Margarot; and a few months after their arrival another, a Mr. Gerald, was sent to keep them company. Mr. Palmer—who had been a clergyman—was under sentence of seven years, and the others under sentence of fourteen years. They had been convicted of what was called sedition, having “stimulated the people of Great Britain to effect a reform of Parliament.” Students of Scottish law have always declared that the sentence passed upon these men was illegal, and its harshness and severity therefore stand out in bolder relief. They were all men of peaceable lives and estimable characters, but no merit could weigh with statesmen and judges of a nation

whose governing classes were mad with excitement and terror consequent upon the French revolution. The man to-day who can effect a reform of Parliament is highly honoured of his fellows; but in those days the slightest breath of censure upon established institutions was condemned as treason, and the man who dared to breathe it was dealt with as a traitor, only a shade in crime below the man who plotted to take the monarch's life. These well-meaning, honest, outspoken, philanthropic men, whose misfortune it was to be born in an age of ignorance and tyranny (these two things always go together when the party moved by them possesses power)—these truly unfortunate men were sent from England to herd with the rogues and thieves and murderers who were accounted too vile to live on British soil. It would have been a merciful act on the part of the English Government to have hanged them straight off, for the fate of four out of the five of these Scotch Martyrs was very melancholy. Mr. Gerald, who was a man of delicate susceptibility and refined manners, robbed the Government of thirteen years service by dying within a year of his landing in the colony. The iron had entered his soul when sentence of transportation had been pronounced. Three days afterwards Mr. Skirving followed him into the land of the Unknown. He died of a broken heart, but the Government doctor called it dysentery—a convict was not supposed to possess a heart. Mr. Palmer lived to serve his sentence and started for "home," but died before the vessel reached England. Mr. Muir, who had made a reputation at the bar in Scotland, made his escape from the colony in an American vessel, called the "Otter," which had been hired by certain gentlemen in New York to touch at Port Jackson for the express purpose of carrying him off, they having known and admired him previously. On leaving, Mr. Muir

sent a letter to the Governor, stating that he did not intend to infringe the laws of his country by returning to Great Britain, but that he would endeavour to reach America, where he would practice as a barrister till the expiration of his sentence should allow of his returning to Scotland. But the scheme which promised so fair ended most disastrously. The "Otter" was wrecked on the west coast of America, and Mr. Muir suffered great hardships in endeavouring to reach Mexico, travelling along the coast. From Mexico he obtained a passage to Europe in a Spanish frigate, but his evil star was still in the ascendancy. A British man-of-war fell in with the frigate when off Cadiz; an engagement followed; the frigate was captured; and Mr Muir was injured during the engagement; part of his brain being actually shot away. In this condition, and when lying apparently dead upon the deck of the frigate, he was seen and recognized by a Scotch officer, who had previously known him, from a small pocket Bible which had been given him by his mother; and which he held in his hand with the grasp of death. The officer humanely kept the discovery to himself, and had Muir conveyed to an hospital on the Spanish coast, where he recovered sufficiently to enable him to proceed to Paris. Here, however, he again fell ill, and shortly afterwards crossed the dark river to join the companions who had been set free before him. Thus died four out of the five—victims to a law which would disgrace a country of heathen. Mr. Margarot was the only one of the five who lived to return to his native country, which he did in 1813, after the expiration of his sentence; and he rendered good service by exposing before the Committee of the House of Commons some of the abominations and atrocities which were practiced in the colony by the men who had been sent there in soldiers'

uniform to administer justice and preserve the law. It is only due to Governor Hunter to mention that he did all in his power to make the burden of these unfortunate gentlemen as light as possible. He was a good friend to them in their distress, and the inhabitants generally looked upon them as hardly-used men, worthy of the deepest sympathy, which they unstintingly accorded to them. Sterling worth was recognized in the colony even in those days.

THE IRISH REBELS.

A large number of persons who had taken part in the Irish rebellion of "Ninety-eight" were transported to New South Wales, and not a few of them were clergymen, lawyers, doctors, journalists, and members of other professions, whose genteel calling and inexperience in the exercises of labour rendered them altogether unfit for ordinary service under Government, or as ordinary assigned servants. Several of them were, however, utilized in Government offices, while others made themselves valuable to wealthy free settlers or emancipists who required clerical assistance. The employers of convict labour complained very bitterly that the British authorities should send men to the colony who were incapable of labour; but while these growlers only looked with favour upon men who could be used as working bullocks, there were others who hailed the advent of men of good morals and considerable intellectual attainments as a great communal blessing. The political offences for which the "Ninety-Eighters" were transported were not considered to be very serious on this side the water, where it was easy to mark the degrees of crime. Amongst the most remarkable of these exiled rebels were Rev. H. Fulton, a clergyman of the Church of England; Rev. Father Harold, who had been parish

priest of Reoulla, county Dublin; William H. Alcock, who had been a captain in a regiment of the line; Dr. O'Connor, who was Alcock's brother-in-law; and Joseph Holt, who had been the principal leader of the Irish rebel army, and who was universally known as General Holt. The first of these five gentlemen did active service as Government chaplain in the colony, and was acting in that capacity when Governor Bligh was deposed, being at the time at Government House, and proving how much of a rebel he was by sacrificing his personal interests in endeavouring to shelter the Governor from the cowardly attack which the mob of the New South Wales Corps made upon him. The last-named of the five rebels was in many respects a remarkable man, and although he did not enter very prominently into the life of the colony, he left at his death (which took place in Dublin in 1826) a singularly interesting biography, which shews more clearly than can be gathered from official documents the peculiar conditions of the life in the colony, during the period of his exile.

The story of Holt's life has been thus summarised in Bennett's *Australian Discovery and Colonization*:—"He was an Irish Protestant of English extraction, a native of Ballydaniel, in the county of Wicklow. His father was a small farmer, and Holt himself was brought up to the same occupation. He afterwards, in addition to his agricultural pursuits, became road contractor and overseer of public works for the Barony of Ballynecore. At the time of the breaking out of the rebellion, in 1798, he was a thriving yeoman, upwards of forty years of age, a loyal subject, and a staunch Protestant. He knew little or nothing of politics, and looked upon the rebels as people deserving the most severe punishment that could possibly be inflicted for daring

to raise their hands against the government. It is an extraordinary fact that, notwithstanding the position of rebel general in which circumstances afterwards placed him, he continued to hold the most loyal opinions as long as he lived. Probably few instances can be found in which a man was carried by the stream of events in a course so directly opposite to that in which his habits, religion, character, and convictions would have led him. For some years previous to 1798 he had made himself many enemies by his energetic and courageous capture of many desperate offenders against the laws; and in addition to this he had incurred, on account of some pecuniary quarrel, in which he says he was greatly wronged, the rancorous enmity of a wealthy and powerful but unprincipled neighbour. This man, who afterwards occupied a very conspicuous place in Irish Society, was, or professed to be, a rabid royalist, and lost no opportunity of ingratiating himself with the Government by denouncing and prosecuting obnoxious neighbours. When martial law was proclaimed, this man's position as a magistrate enabled him to ravage the district in which Holt lived with fire and sword. He burnt to the ground the houses and homesteads of many Catholic families, driving the men to join the rebels in the Wicklow mountains, while the women and children were reduced to a state of starvation. Holt, notwithstanding that he was a Protestant, and an unswerving upholder of English rule, had always been a great favorite with his Catholic neighbours, and was ever ready to take their part when he thought they were oppressed. Being a bold, outspoken man, he did not hesitate to denounce the conduct of the magistrate referred to, and endeavoured to interfere in behalf of his poorer and less loyal neighbours. He knew that the persecutions which they suffered proceeded much more from private

malice, and the officious zeal of bad men in the advancement of their own personal and selfish interests, than from any wish or intention of the British Government to oppress his Catholic fellow subjects. Holt's interference, although it does not appear to have taken any more tangible form than that of uttering strong words against the oppressor, and the extending of sympathy and assistance to the oppressed, was fatal to his interests. He was denounced by his powerful neighbour and personal enemy as a rebel, or as an aider and abettor of rebels, his house and property were burned and destroyed, his wife and children thrown upon the world, and to save his life he was obliged to fly to the mountains to seek the assistance of others similarly situated. Even under these circumstances his loyalty was never shaken for a moment. He looked upon the rebels and their cause as utterly contemptible. He knew nothing of republican theories, and cared nothing about political parties. He had been grossly wronged, but did not blame the Government; for all his aspirations began and ended in a wish to redress local grievances and to punish the petty tyrants who had burnt his house, rendered his family homeless, and driven his neighbours to desperate courses. In his autobiography he never neglects an opportunity of giving expression to his contempt for those who had engaged in the rebellion from political motives, and he is the more especially severe upon those who, having occupied respectable positions, had sacrificed life, liberty, or property for the sake of what he thought Quixotic theories and sentimental notions of liberty. He appears to have been a courageous, outspoken, ready-witted, but somewhat vain and hot-tempered man, of very limited education, but with a good address, commanding presence, and a very determined expression of countenance. The poor misguided, ignorant

peasants whom he found in arms in the Wicklow mountains had been deserted, as soon as real danger appeared, by many unprincipled cowards who had helped to fan the spark of rebellion into a flame, and their numbers were daily augmented by ruffians who sought only an opportunity for plunder. The rabble rout of rebels hailed the accession of Holt to their ranks with the greatest joy. They knew he was a man of honesty of purpose, courage, and capacity, and they insisted on his being their leader. He had no choice. He could not return to his ruined home, for a price was set upon his head, and to refuse the position to which the rebels wished to elevate him was to court the suspicion and ensure the enmity of the most desperate gang of ruffians that ever robbed and plundered in the name of liberty. He endeavoured to gather round him as a body-guard men who like himself had private wrongs to redress, or who were sincere in their desire for the political regeneration of their country; but during the many months that he acted as rebel leader he was never free from the fear of being assassinated or betrayed by his followers for the sake of the reward offered by the Government. Having led his men through many successful conflicts, he at length ventured to assert his authority, although often in vain, to prevent outrage and plunder. At one period his army—if an almost undisciplined mob could properly be called an army—numbered about thirteen thousand men. He says they were for the most part the most despicable set of cowards, fools, and knaves that ever disgraced humanity. His reliable men, those who actually fought for aught but plunder, do not seem to have numbered more than a few hundreds at any time, and as there never was the slightest political sympathy between him and even his best followers, it is no wonder that they soon

dwindled to a few scores. He got rid of the thousands of plunderers who followed his effective force as best he could, and at one time was so disgusted with their atrocities that he sent information of their whereabouts to a party of the royal troops, with the hope that they would attack and disperse or cut them to pieces. He saw the utter hopelessness and absurdity of the rebellion from the first, and resolved to make terms for himself if he could possibly do so without betraying his companions. He was at last enabled to effect this object by giving himself up to Lord Powerscourt, with the implied condition that his life should be spared. He was never brought to trial, but banished for life, and by the kindness and munificence of a lady who felt a deep interest in the welfare of his wife and family, Mrs. Holt and his son Joshua were provided with passages on board the ship despatched by the Government to convey him and other rebels to New South Wales. Joshua Holt, although a boy of but twelve or fourteen years of age at the time of the rebellion, went through some very remarkable scenes in that memorable outbreak. When his father, about fourteen years afterwards, obtained a full pardon and returned to Ireland, Joshua remained in the colony, where he married, brought up a large family, and lived, much respected, to about the age of four-score years. He died, a short time since, in Elizabeth street, Sydney. He was fond of recalling the recollections of his boyish life, and recounting the strange scenes he had witnessed in his early youth."

A good deal in Holt's life (published in London in 1838) which refers to the character and conduct of colonial authorities is couched in terms of great bitterness, and abusive epithets are very freely indulged in. His troubles commenced almost immediately after he landed. His

position was a peculiar one—for although he had never been tried and convicted he had come to the colony in a prison ship, and it was therefore considered at first by the colonial authorities that he was entirely at their disposal; and as he was known to be a man of great energy and intelligence, and well acquainted with agricultural pursuits, more than one of the wealthy settlers attempted to get him handed over to them as an assigned servant. With this view they wished to convince him that he would be much better off in such a position than if he remained under the direct control of the government. This selfish plan Mr. Holt met in such a manner as to make those who proposed it almost regret having done so. They soon saw that he was not a likely man to allow himself to be made a useful tool in their hands. As a specimen of how "government men" were worked and treated in those days he gives the following account of what he was shewn as a warning or taste what he might expect if he was determined to resist being assigned to a private master. The Rev. Mr. Marsden, the gentleman who particularly wished to obtain his services, took him a few days after his arrival to see a government gang at work. Here is the narrative in his own words:—

"He requested me to accompany them, and we proceeded to a government settlement, where they were tilling the ground on the public account. At a distance I saw about fifty men at work, as I thought, dressed in nankeen jackets, but, on nearer approach, I found them naked, except a pair of loose trousers. Their skin was tanned by the sun and climate to that colour. I felt much pity for the poor wretches: they had each a kind of large hoe, about nine inches deep and eight wide, and the handle as thick as that of a shovel, with which they turned up, as with a spade, the

ground, which was left to rot in the winter. They cannot bear any clothes when at work in the heat of the day.

"Captain Johnstone addressed me, saying 'Mr Holt, you are a good farmer, I suppose?'

"'I do well enough with horses and oxen, but not with men,' said I.

"Dr. Thompson then said, 'Do you think those men would understand you better than horses or oxen?'

"'Yes, sir,' I replied, 'but it appears great brutality to work men in this manner.'

"'Well,' said he, 'it matters not what you think about it, you will soon come into it.'

Shortly after this Mr. Holt became agricultural superintendent for Mr. W. Cox, one of the largest cultivators and stock owners in the colony at that period. He had returned from a visit to Europe in the same ship that brought out Holt and the other Irish rebels, and thus became acquainted with him. Holt's account of his management of the many convicts under his control, and the particulars he gives concerning farming operations, &c., are full of interest. Respecting the management of convicts, he says:—

"As to the convicts, there was a certain quantity of work which, by the government regulations, they must do in a given time, and this may be given to them by the day, week, or month, as you pleased, and they must be paid a certain price for all the work they did beyond the stipulated quantity. If they were idle, and did not do the required quantity of work, it was only necessary to take them before a magistrate, and he would order them twenty-five lashes of the cat on their backs, for the first offence, fifty for the second, and so on; and if that would not do, they were at last put into a gaol gang, and made to work in irons from morning to night.

"In order to keep them honest, I paid them fully and fairly for all they did beyond their stipulated task at the same rate as I paid the free men, and, if I thought the rations not sufficient for their comfortable support, I issued to each man six pounds of wheat, fourteen of potatoes, and one of pork, in addition. By this means the men were well fed; for the old saying is true that 'Hunger will break through stone walls,' and it is all nonsense to make laws for starving men. When any article was stolen from me I instantly paraded all hands and told them that 'if it was not restored in a given time, I would stop all extra allowances and indulgences; the thief,' said I, 'is a disgrace to the establishment and all employed in it; let the honest men find him out, and punish him among yourselves; do not let it be said that the flogger ever polluted this place by his presence. You all know the advantages you enjoy above gangs on any other estate in the colony, do not then throw them away. Do not let me know who the thief is, but punish him by your own verdict.' I then dismissed them. The transports would say amongst themselves that what I had told them was all right. 'We won't,' they would reason, 'be punished because there happens to be an ungrateful thief amongst us.' They then called a jury and entered into an investigation, and, on all occasions, succeeded in detecting and punishing the offender. I was by this line of conduct secure from plunder; and the disgusting operation of flaying a man alive, with a cat-o'-nine-tails did not disgrace the farms under my superintendence. Mr. Cox one day said to me 'Pray, Joseph, how is it that you never have to bring your men to punishment. You have more men under you than, I believe, any man in the colony, and to the surprise of all you have never had one flogged, or indeed have made a complaint against one; they look well,

and appear contented, and even happy.' 'Sir,' said I, 'I have studied human nature more than books. I had the management of many more men in my country, and I was always rigidly just to them. I never oppressed them or suffered them to cheat their employers or each other. They knew if they did their duty they would be well treated, and if not, sent to the right-about. I follow the same course with men here. I have taught them the advantages they derive from good conduct, and I make them punish an offender themselves: therefore, if any depredation be committed upon your property, they are told that all allowances and indulgences will be stopped, until whatever is missing be restored. The crime, therefore, becomes one against themselves, and they have better means of detecting it than I have. They call a jury and convict and punish the offender. I should myself be very ill qualified to act as your agent and overseer, were I to have a man or two flogged every week. Besides the horrible inhumanity of this practice, the loss of a man's week or fortnight's work will not be a trifle in a year, at twelve and sixpence per week; for the man who gets the cat is incapable of work till his back is well; so in prudence, as well as in Christian charity, it is best to treat our fellow-creatures like men, although they be degraded to the state of convict slaves. They will, moreover, when properly treated, be sensible of kindness, and find that they better themselves by behaving well. But, as you ask me, I will shew you my private flogger.' I then went to an outhouse and brought Mr. Cox two hoes, one of which weighed three pounds and a half, the other seven. He took the lightest in his hand, and said it was a very good one. I then handed him the seven pound [hoe, which he took into his hand, and after a time said, 'This is a terrible tool.' 'Well, sir,' said I, 'there is

my punishment; the man who misbehaves knows he will get the seven pounder, and I have great satisfaction in saying it has been used but once, and then only for a short time.'

" 'The greater number of overseers in the colony,' I continued, 'have been criminals themselves, and have neither prudence, honour, or humanity; they are ruffians, who are actuated and influenced by the worst passions, and frequently flog an unfortunate wretch for complaining of their oppressions. No man could insult me by saying, "I am as good as you, for you were a thief, and I am no worse!" Believe me, sir, thieves never make good masters, or use power with moderation or humanity.' "

It would have been a blessed thing for the colony if there had been more overseers and more masters of the stamp of Mr. Holt and Mr. Cox. Of the latter gentleman (some of whose descendants still live in the colony, rich in the possession of this world's goods, and rich also in the enjoyment of the esteem and respect of the community), Holt says:—"There never was a man who desired to serve another more than he did, or to do a kind act. When the purchaser of a horse or mare came to make his first payment, Mr. Cox would often indulge him with six months' longer credit. He was truly a good friend to every honest man he met with. His good treatment of the convicts in his service had the happiest effect upon many of those who were so lucky as to get into his service; most of them by finding out that honesty was the best policy, became sincerely honest and well-conducted, and were purged and purified from their former detestable propensities, and lived and died valuable members of society. So much does gentle and mild treatment win upon the minds of men, while harsh severity and coercion hardens their hearts, and brutalizes their character."

Holt uses very warm language in his denunciation of the conduct of the military officers, who were as selfish and unprincipled in their dealing with the settlers and the soldiers as they were cruel to the convicts. Here is what he says:—

“The practice was to draw from the stores all the goods, in large quantities, and to pay the soldiers only in goods; for every ten shilling's worth of which, according to the value they were delivered at out of the store, the soldiers paid twenty, and if they objected to this mode of payment they were most probably sent to the guard-house, tried by a court-martial for mutiny, and sentenced to imprisonment.

“Captain Anthony Fenn Kemp, when a soldier came to him for his month's pay, would usually accost him with ‘Well, what do you want?’

“‘I want to be paid, Sir,’ the soldier would say.

“‘What will you have?’ was always Captain Kemp's answer. ‘I have very good tobacco, ten shillings the pound, and very good tea at twenty shillings the pound, prints at eight shillings a yard,’ and so on.

“If the poor soldier answered, ‘Sir, I do not want any of your goods,’ the Captain's comment was, ‘You don't! You are a d—d saucy rascal.’ Perhaps then the soldier would say, ‘Sir, if you please, give me half money and half goods.’ But this proposal was equally objectionable to Captain Kemp, and generally led to his thundering out, ‘Begone, you d—d mutinous scoundrel, or I'll send you to the guard-house, and have you flogged for your impertinence to your officer.’ The soldier, having no redress, would take his monthly pay in property which he did not want, and then he would endeavour to dispose of what he had received to some person who had money; generally selling it for half the price he was charged by his captain. This system of

monopoly and extortion compelled the soldier to serve his Majesty for half his nominal pay; I can prove what I assert, as I have often bought goods from the soldiers myself, upon these terms. It was, I must confess, very provoking to see the officers draw the goods from the public store, to traffic in them for their own private gain, which goods were sent out for the advantage of the settlers, who were compelled to deal with those huckster officers for such articles as they might require, giving them from fifty to five hundred per cent. profit, and paying in grain.

“It thus would happen, that one of these monopolisers, who never grew a grain, would sometimes have a thousand bushels of wheat to put in the store; and this was the manner in which all those old tailors, and shoemakers, stay-makers, man-milliners, tobacconists, and pedlars, that were called captains and lieutenants, made their fortunes; by the extortion and the oppression of the soldier, the settler, and the poor. Anyone who doubts what I assert, may inquire of any soldier who ever belonged to the 102nd regiment of foot, concerning my statements, and he will find what I say to be correct.”

There were two officers of the New South Wales Corps, however, of whom Holt spoke in the highest terms of praise—Captain Piper and Captain Abbott, whom he described as “men of honour and resolution,” and said of them:—“They conducted themselves, in all respect, as officers and gentlemen. They served the poor and they upheld the oppressed, by which they kept themselves poor; but they would have been rich indeed if prayers and good wishes could have made them wealthy, and they retained their own self-respect. They were too noble-minded to desire to make a fortune from the labour of the settler, the plunder of the soldier, or from the sweat of the convict labourer.”

I. Mr. Holt's name was brought into great prominence in connection with the unsuccessful insurrection of convicts at Castle Hill in 1804; but, as the sequel will shew, he was wrongfully charged with complicity in the insurrection. When it became known that there was a rising on the part of the convicts, the officials and the military at once fixed upon Holt as the man who was to lead them, his former connection with the rebels in Ireland, doubtless, first causing suspicion to fall upon him. It was also known that he was extremely popular with the convicts, by reason of the practical sympathy manifested by him towards those who suffered ill-treatment at the hands of harsh masters. Mr. Com. his employer, however, placed the highest confidence in his integrity and loyalty, and the reader will hereafter see that that confidence was not misplaced. Here is the statement given by Holt in his Memoirs.

'I now approach a period of my life which I consider the most unfortunate in the whole of my existence. In February, 1804, the devil was as busy in New South Wales as ever he had been in Ireland; and exerted all his evil influence. The lower people, convicts and others, both English and Irish, seeing their torment increasing in this most ill-managed colony, conceived an opinion that they could overpower the army, possess themselves of the settlement, and eventually make their escape from it. What they were to go did not enter into the contemplation of these poor fellows, who fancied, at all events, that they could not be worse off than they were already. Some of them hinted to me that they thought such a thing might be done. I thought so, too, and that it might come to a head; and therefore pointed out, in the strongest language I was master of, the folly of such an attempt. 'You saw,' said I, 'in Ireland,

that even there you could not depend on each other, and I am sure it would be worse here. An insurrection will only add to your misery, or bring you to the gallows.'

"Their numbers were contemptible, and their means still more so; therefore they must accordingly fail, and be hanged: I told them I would have nothing to do with the business, and, if such a scheme should be put into execution, I would act on the side of the Government and the laws."

"I did hope this advice would have had the desired effect, but the foolish people had set their minds upon it, and were determined to proceed, cost what it might. The English were as much involved in the business as the Irish. Of course, after declaring my sentiments so fully, I was not kept in their confidence; and I had almost forgotten that such an idea had ever been hinted at."

"On 4th March, 1804, when returning home through Parramatta, I saw several men standing about in little gangs, and recollecting what had been told me, I suspected something was going on, but said nothing. Having dined at Parramatta, I walked out, and met Timothy Hollister, task-master of the Government men. He and I seldom met but we drank together, when time permitted, and on the present occasion we called for a decanter of rum. He was an Englishman, and while we were drinking he said to me 'Mr. Holt, take my advice and do not be out late to-night, as I should be sorry to hear anything against you.' I asked him what he meant, and he then told me that the Irishmen were to break out that night, but that the Government were in possession of their plans. I immediately proceeded to Mr. Cox and brought my wife and child to his house, and told him what I had heard. He asked me my opinion of the business; to which I answered that I knew nothing more

than what I had heard and told him, but that I should be ready to defend his house, and keep off any assailants. He gave Sergeant King, who was his clerk, orders to prepare some cartridges, and we were all on the alert. Mr. Cox said it was very likely that the insurgents would endeavour to force me to head them, and, if I refused, would put me to death. My answer was 'I can die but once, and from this spot nothing shall induce me to move until the morning.'

"I then proceeded to secure the doors, gates and all the defences I could think of. I got the timber-carriage chains and lapped them round the gates and posts. There were three gates to be passed before the court-yard could be entered, and I made all fast. Having thus got all things as secure as possible, I proceeded to examine the state of our fire-arms, and having loaded our muskets with buck shot, I asked Mr. Cox if he would take the command. He gave it to me, saying I was more accustomed to such matters than he was, and he had no doubt would make a good fight of it. I therefore proceeded to make arrangements, in case we should be attacked.

"I placed Mr. Cox on my right, opposite a large gate post, fourteen inches square, and Sergeant King on my left, telling him that it was not fair that he should receive his Majesty's money for doing nothing. John Joyce was placed at the upper gate, and Darby Murphy at the lower gate for a watchman. I then told every man what he had to do, and that the first man who stirred from his post, without my orders, should receive the contents of my musket in his body. I took the centre myself, being flanked by Mr. Cox and King. The road or path leading to the house was only sixteen feet wide, and it was palcd in with a six-foot paling, so that a party would be obliged to keep very close together. We

heard the insurgents at the distance of about half a mile, but they came no nearer to us.

“About twelve at night, however, they went to my farm, and took away a musket and a blunderbuss from my son, who was but fourteen years old; and a young man, named James Dobbs, an Englishman, they forced to join them. My shepherd was so small that they did not consider him worth their attention; but they swore they would soon have me. When they were gone, Joshua, my son, came through the bush and told us what had happened at the Brush Farm; we put him into the house, with Mrs. Cox, my wife, and the children, and stood to our post till morning, when Mr. Cox rode over to inquire the cause of the proceedings of the night.”

The rebellion of which Holt here speaks was the only serious organized uprising that took place among the convicts within the colony. The spirit of insubordination had been growing for months, and the Government, fearing some such outbreak, prudently drafted some of the leading “suspects” from the general body, and sent them to form a new settlement at Van Diemen’s Land—a step most wise and prudent. But about midnight on Sunday, March 4th, a message was received in Sydney from Parramatta, by Governor King, to the effect that the prisoners employed on the farms in that locality had joined the Government gangs engaged on the roads and public buildings at Toongabbie and Castle Hill, and having plundered the settlers of their arms and ammunition, were then marching in a body upon Parramatta, committing serious depredations and plunders. The Governor immediately set out for the scene of the disturbance, and reached Parramatta before daylight next morning, Major Johnston, with fifty men of the New South Wales Corps, joining him there soon afterwards. This small force was at

once divided into two parties, and sallied out in different directions, in the hope of falling in with the insurgents and surprising them; and at about noon that day the party commanded by Major Johnston, which had been joined by some of the respectable settlers of the district, fell in with the insurgents at a place called the Ponds, midway between Parramatta and Windsor. The body of convicts was found to be between 200 and 300 strong, and well armed; and when they perceived that their pursuers were comparatively so small in numbers they decided to give them battle, and took up a position on the slope of a hill, as being good vantage ground. Two of the ringleaders, with a boldness born of a mistaken sense of superior strength, advanced towards Major Johnston, who was leading the pursuing soldiers; their object being apparently to parley or dictate terms; but as soon as they were sufficiently near the Major seized one of them and placed a pistol at his head, while a quarter-master in the Corps, named Laycock, ran forward and killed the second man with a single blow. The other insurgents at once opened fire upon the attacking party, but their shots did not tell, and the military and the settlers returned the fire with such effect that many of the insurgents fell, and the remainder turned and fled. A chase ensued and was continued for three or four hours, resulting in the capture of a number of the prisoners, who were brought into Windsor, as also was the body of the slain leader, which was the same night hung up in front of the public store in the town as a warning to others. Within the next few days many of the insurgents who had escaped death or capture gave themselves up to the authorities; those who had been captured with arms in their hands were summarily tried, convicted, and hanged; while others of the insurgents received minor punishments, some of

them even being let off with a reprimand upon professing penitence and promising to return quietly to their work. It is said that between fifty and sixty of the insurgents were killed in the affray, or afterwards executed, and that 136 muskets, besides a number of pistols, swords, and other weapons, were taken from the army of a day. It is to be feared, however, that the gallows did more execution than the bullets of the soldiery. Holt declares that many of the insurgents who were arrested after the one-sided struggle at the Ponds were brought before an impromptu court-martial, where it was arranged that lots should be drawn from a hat and that every third man whose name was drawn should be hanged. Many fine young men, he says, were strung up like dogs, and it was only when the Governor arrived on the scene that the butchery was stayed.

As we have seen, the suspicions entertained by the authorities concerning Holt's connection with the uprising were all at fault. Some of the prisoners had said that Holt was to lead them, they having been doubtless so informed by the authors of the outbreak, and Holt was called before the Governor to make his defence. His Excellency evidently did not place much reliance in the story of the accused, for after hearing his statement he dismissed him with the words:—"Go home, sir, and take care of yourself, or I will hang you!" He went home, but shortly afterwards the Governor caused his removal to Norfolk Island.

As previously stated, Holt remained in exile for about fourteen years, when he received a full pardon and returned to his native land.

**WILLIAM HENRY BARBER, THE ATTORNEY-
CONVICT.****AN INNOCENT MAN TRANSPORTED FOR LIFE.**

One of the most remarkable cases to be found on the records relates to a well-to-do English attorney and solicitor, named William Henry Barber, who was transported for life for an offence of which he was afterwards proved to be entirely innocent. The story of his conviction, his sufferings on the voyage and at the penal settlement of Norfolk Island to which he was sent, and of the subsequent success of his efforts to establish his innocence, reads like a romance. It is a long story, and I have experienced some difficulty in arranging the events in proper chronological order, but the reader will not require to stretch imagination to fill up any gaps that may appear.

In the year 1843 a series of gigantic frauds in connection with the estates of deceased persons were discovered in London, and a criminal prosecution was instituted against Joshua Fletcher, who was a retired surgeon and a man of property worth from £10,000 to £20,000; William Henry Barber, an attorney and solicitor in business; Mrs. Dorey, Mr. Sanders and Mrs. Sanders, parties who had acted as personators in the cases. Another man, named Griffin was originally indicted, but he was admitted as Queen's evidence, and escaped punishment. The frauds had extended over four years, and the charges brought against the accused were forging and uttering three wills and a bond connected with letters of administration.

The Crown proceeded with only two of these cases, and in each one secured a conviction against the parties named, with the exception of Barber, who was acquitted on the

first, but convicted on the second. The sentences passed upon the prisoners were, as follows:—Fletcher, transportation for life; Barber, transportation for life; Sanders, transportation for seven years; Mrs. Dorey, two years' imprisonment; Mrs. Sanders, two years' imprisonment.

From the evidence elicited at the trial, it appeared that Fletcher was acquainted with an officer in the Bank of England who, for a consideration, supplied him with information concerning the stock held for persons who had not claimed the dividends payable thereon for a number of years. The law was that after the expiry of ten years from the date of the payment of the last dividend if no claim was made for payment the stock was invested with the Commissioners for the National Debt, and became public money, and this friendly official appears to have kept Fletcher posted concerning the moneys which were likely to be thus handed over to the Commissioners, and Fletcher, who forged wills and other documents, would seek to obtain possession of the money. In several cases he succeeded, but his frauds were at last discovered. The case for connection with which Barber was convicted and transported, may be gathered from a confession made by Sanders to his solicitor, but which was not used, as the Crown refused to accept him as Queen's evidence. This man said:—

"It must have been about June, 1842, or perhaps a little later in that year, I received a letter from Fletcher, informing me that he had received intelligence from his friend at the Bank of England of something very good and requesting me to see him as early as possible. Accordingly, I proceeded to London and went to his house, where he informed me his friend had given him the particulars of a case which had not gone to the commissioners; that it stood in the name of Ann

Slack, Smith-street, Chelsea; that he, Fletcher, had made a great many enquiries all about that neighbourhood, and could find no trace whatever of any such person; that he had seen an old postman who had delivered letters there a number of years, and had given him money to give all information he could, but had obtained some whatever; as the sum was considerable he thought I might get my wife to take the case in hand; I said I would endeavour to prevail on her to do so. A short time after this Fletcher came to Bristol; he said he went to make inquiries about the case of Slack, and as I had informed him at our interview at his house there were persons of the name in Bath, he thought to try there. I proceeded thither, but could not find one that answered the description given by Fletcher. On my return Fletcher informed me that his information was to the following effect:—Ann Slack appears to have had a sister; at this time it was intended, if the right owner could be discovered, that information should be given to the owner upon receipt of a bonus, to be divided between me and Fletcher. While these inquiries were in progress information reached Fletcher from his friend at the Bank that the stock had been transferred to the Commissioners for the Reduction of the National Debt; and after a long consultation it was determined to try and obtain the money from the Commissioners by means of personation. Fletcher told me that it appeared Miss Ann Slack, in whose name the stock had stood, was one of two sisters who had stock invested in the same account; that there had been a power of attorney granted by the two sisters to a Mr. Hulme, whom Fletcher had ascertained was a partner, but who turns out to have been a clerk in the house of Jones, Loyd & Co.; that the sister had married a Captain Joseph Foskett, who soon after his marriage had sold out; that Hulme had received

the dividends to 1832, about which period he appears to have died. We therefore procured the Army List and found the name of Captain Foskett; but there being no address given, he being on half pay, Fletcher said he had a person in the Army Pay Office from whom he could perhaps obtain Foskett's address. Fletcher returned to town, and some short time afterwards writes to me, his friend at Somerset House giving him the name of Captain Foskett's agent, from whom he had been enabled to find that he resided at King's Langley, which is on the line of the Birmingham Railway. I should have previously mentioned that Fletcher had obtained with other information of his friend at the Bank, on a small slip of paper, a fac simile of the handwriting of Ann Slack, taken from the power of attorney granted by her and her sister to Mr. Hulme. Fletcher and myself went to Langley Station, and there on inquiry we found that Captain Foskett's residence was not very far off. We got a railway policeman to go into the village; by giving him a shilling to spend, he might be enabled to meet with some person to give him information required, viz., if Captain Foskett's wife had a sister, and if so, her name and residence. Fletcher and I took tea prepared for us at the railway station. Our messenger soon returned with the intelligence that he had met with the coachman of Captain Foskett; that he had taken him to a public house, and had partaken of some beer with him, and from whom he learned that Mrs. Foskett had a sister, who was living in the family, and was generally known to them as Miss Nancy. With this information I returned with Fletcher to town. We had no doubt but this lady was the person we had been so long in pursuit of; the next difficulty now was, how to get an introduction so as to be able to turn our knowledge of what the lady was entitled

to to the best account (for now that we had made the discovery that she was living, all means of proceeding by personation were given up). At length it was settled that Fletcher should apply through Barber, for that purpose, and with this understanding I left London. Fletcher came again to Bristol and told me the result of Barber's inquiries, and also that it was Barber's opinion that it did not relate to her, but to some other Ann Slack. Fletcher said there could now be no obstacle in the way of my wife taking the case in hand. Fletcher then produced some paper without watermark, and I wrote a will of Ann Slack, from a copy produced by Fletcher; and before Fletcher left Bristol, which he did in about a week after, he took an advertisement to Verriers, the newsvendor, in High-street, to be inserted in the *Bath and Cheltenham Gazette*, a copy of which paper I forwarded to Fletcher, by his desire, in London; and, as agreed on, my wife took lodgings in Westgate-buildings, Bath, where she answered the advertisement by letter, from a copy given to her by Fletcher as Jane Slack. Barber returned an answer that he should be glad to conduct her business, as it was probable that he could be of assistance to her. My wife proceeded to London, saying she was about to pay a visit to her sister. On Mrs. Sander's arrival in town she took up her residence with her sister, Fletcher of course calling to see her. Fletcher went to the General Register Office in Somerset House, and discovered that there had been a mistake in the register which I caused to be made in Bath, for the name appeared to have been Stack instead of Slack. Fletcher stated to me that he saw the Registrar-General, who informed him of the error, and advised its correction, for which purpose Mrs. Dorey and my wife went to Bath, had an interview with the Registrar and Superintendent, who would not alter the

register, unless they saw the person who had made the entry. I then received a letter from Fletcher, stating the error, and requesting to see me in town, where I immediately proceeded and met Fletcher by appointment on Waterloo Bridge, where we talked the subject over, he wishing me to go to Bath and have it put right. I refused to do so and said I would rather abandon all further proceedings. It was at length arranged that we should take fresh proceedings by a fresh register, which was settled should be either in Chelsea or Pimlico. Fletcher and myself went to Pimlico, and after some research fixed on the place, and I was to make the registry, which I did, after calling several times at the Registrar's, he being from home; it was nearly ten o'clock at night before I could get, as I was anxious to return to Bristol, and wished it to be done that night. Fletcher afterwards called at the Registrar's and procured a certificate of the registry of Ann Slack's death as registered by me. Mrs. Dosey took lodgings for my wife. She disguised herself with a light-colored ringlet front, covering the greater part of her face, a close bonnet, spectacles and a veil—a disguise which she always wore when she went to Barber's office, Doctor's Commons, or the Bank. The fictitious will which was first made having devised the stock to Jane Slack, of Bath, it now became necessary that a fresh will should be prepared, and it was intended to apply to me for that purpose; but after the discovery of the error in the register at Bath and the abandonment of the proceedings there, I wrote a letter to Barber and Bircham (attorneys in partnership) on the part of Jane Slack, stating that Jane Slack did not think the Ann Slack, as advertised, had reference to her, and that I was instructed to say that she had consulted her solicitor, and therefore declined calling on them, or taking any further

proceedings in the matter, to which letter I attached a feigned name. In consequence of that letter, Fletcher would not allow me to write the new fictitious will, fearing that Barber should discover a similarity in the writing; he therefore wished my wife would get Mrs. Dorey to write the will, which she did. Mrs. Dorey frequently called to see her at her lodgings, generally in the evening; Fletcher also frequently calling, but no other person visited her."

Up to this point Barber had not been brought into the affair, but the time had now arrived for him to innocently perform a task which resulted in his being convicted with Fletcher and his willing tools. The sum in the bank which was thus being villainously subverted amounted to £3,500, and Fletcher having gone to Barber and informed him that he had succeeded after long search in discovering the owner, at the same time requesting him to act in having the will proved, the latter signified his willingness. Mrs. Sanders was introduced by Fletcher, who brought forward the forged will, and exhibited it to Barber. A copy of the will was made by one of the clerks in the office, and when that was done Barber went with Mrs. Sanders, who was in deep mourning, and appeared a very respectable personage, to his proctor. The will was then proved in the usual way, not a doubt appearing to cross the minds of any of those through whose hands the document had to pass. After about the usual time for proving the will, the probate was forwarded to Barber, and lodged in the Bank of England, where the usual time taken in case of unclaimed dividends elapsed—about a fortnight—during which the Bank scrutinized the documents and examined into the claim; after which they notified that they were perfectly satisfied, and the claimant was at liberty to deal with the stock whenever she thought proper. Barber

then handed the documents over to Mrs. Sanders, who went to the Bank and drew out the whole of the money. Sanders, in his confession, narrates succinctly the subsequent proceedings. He says:—"My wife returned to her lodgings in Francis-street, Tottenham Court Road, after getting the money at the Bank, where she procured some refreshment for Fletcher, he being, he said, quite fatigued from long anxiety and fasting throughout the day; after he finished his repast, my wife divided the money in the same manner in which it had been divided in Hunt's case. In the course of October or November last, (many months after the division of the spoils) my wife received two letters from Fletcher, giving me to understand that inquiries were going on in the Bank about this affair; this information he procured from his friend, Mr. Christmas, the clerk in the Bank of England. The first time I saw any account of what took place in the Mansion House was a very short paragraph in the *Bristol Mercury*. I read it to my wife, who became very much affected, and at last become so ill that I feared her life to be in danger. After the case of Mary Hunt came out before the magistrates, Mr. and Mrs. Dorey visited me in Bristol and persuaded me to go forward and make a full confession of all I knew."

The money obtained from the Bank by means of the forged documents amounted to between £3,000 and £4,000, and in another statement of Sanders', in which he gives the history of the concoction of the fraud, the money was shown to have been thus distributed:—"The amount appearing as Barber's charges did not exceed £23, and Sanders thinks that included the proctor's charges; then Sanders paid the broker and proceeded to get the notes which he had received from him changed into gold; and then he took a cab, and went to Miss Richard's lodging in Dean-street, Soho, where, in the

course of the evening, Fletcher came, accompanied by his daughter. After tea Fletcher and Sanders adjourned into another room, where, after deducting for charges each party had incurred, Fletcher took £5 per cent. on the gross amount for his friend in the Bank of England, and Sanders took £20 which he afterwards gave to Miss Hawks for her trouble, and all other claims being taken, Fletcher and Sanders equally divided the remaining two portions, Fletcher taking one, and Sanders the other, and they divided about £1,200 between them."

How the forgeries came to be discovered is not revealed in the papers before me, but it was doubtless through the proper person putting in her claim to the money. The Bank authorities appeared to have acted with remarkable looseness as custodians of the moneys which had been entrusted to them. It was proved that they had years previously paid the dividends in Miss Slack's case to Mr. Hulme, to whom she had given a power of attorney; but, although they had this power of attorney in their possession, bearing the signature of Miss Slack, they did not compare that signature with the signature on the will produced by Mrs. Sanders, in which case they would have been able at once to detect the forgery. Further than this, there were two amounts invested in the same name—one of £3,500 and the other of £6,600—and although only the lesser sum was mentioned in the will and claimed by Mrs. Sanders (it appears that Fletcher was under the impression that the larger sum belonged to a second Miss Slack) their suspicion was not aroused; yet they actually must have known at the time that the owner of the stock was entitled to £10,000, as was proved by their marking "dead" opposite the entries in the Bank books when acting upon the probate. As Barber very tersely put it before the Select

Committee of the House of Commons many years afterwards, "notwithstanding they had so seen that the owner was possessed of £10,000, and they saw that the property had been sworn under £5,000, and although they saw by the will that the £3,500 was the only sum mentioned in the will, and that the other sum of £6,600 had apparently been forgotten, yet the Bank expressed themselves satisfied with the claim, and paid over the £3,500, leaving the £6,600 in their own hands." It was not until some time after that the Bank authorities opened their eyes to the fact that there was anything strange in the pretended legacy of Ann Stick, entitled under will to all her property, claiming only the £3,500 standing in the books of the Bank, when she should have asked for £6,600 more. And this looseness appears all the more strange when it is considered that in the case of the Hunt forgeries, they did at first refuse to pay the money, as they suspected the genuineness of the claim, but here the audacity of Fletcher was brought into full play. He actually filed a Bill in Chancery for the false claimant, and the affidavits, which were all concocted fraudulently, were referred to the Attorney-General of the day (afterwards Lord Campbell), and the Attorney-General was perfectly satisfied with the affidavits so concocted, and consented to the money being paid to the claimant, the Court of Chancery making an order upon the Bank to pay the amount, which was paid accordingly.

When the forgeries were discovered in Ann Stick's case, however, the Bank set vigorously to work to discover the perpetrators, and they were, no doubt, ably assisted by Mr. Christmas, whose assistance to Fletcher had proved so valuable. It is only on this hypothesis that the subsequent action of the authorities with regard to their clerk can be

understood. The Bank denied that he was an accomplice, and put him forward as a credible witness at the trial, and one not to be suspected, although he was compelled to admit that he received from Fletcher several hundred pounds for information he had supplied, and without which information it would have been impossible for Fletcher to operate so successfully upon the stock invested.

Fletcher and Barber were arrested, the former being charged with forging wills and a bond, and the latter with uttering them in connection with letters of administration. Mrs. Dorey and the man Griffin, (whose connection with the affair is not clearly shewn in the only papers available to me) were also arrested. Mr. and Mrs. Sanders sought to keep out of the way until the others were tried, but although they managed to elude the officers of justice for two months, they were eventually captured, and the whole of the parties named were brought to trial. Griffin, as already stated, preserved his liberty by turning Queen's evidence; but the others were convicted and sentenced, as already recorded.

Concerning Fletcher's guilt there could not be the shadow of a doubt, but the conviction of Barber may be cited as one of the grossest cases of miscarriage of justice that has ever taken place. British indignation against the real perpetrators of the wrong was so intense that British vision was warped, and those concerned in administering British justice could not recognize the difference between a skilful, designing knave and the innocent attorney whom he had employed to carry out his nefarious designs. To make matters worse for poor Barber, his partner in business, who could have given valuable evidence to prove that Barber's actions were *bona fide* throughout, suddenly disappeared, and could not be found to be brought as a witness, he having been

frightened beyond measure for his own safety, thinking that he might be brought into trouble with his partner if he did not hide. The Crown also treated him unfairly. There were four indictments preferred against him, but those relating to two of the cases of fraud were not brought forward, although he pleaded hard to have them proceeded with, asserting that if those cases were investigated they would throw great light upon the case upon which he was convicted. He also pleaded hard to be tried apart from Fletcher, but this request was also disregarded; the shadow of Fletcher's criminality rested upon him and he was condemned to share Fletcher's punishment.

As to what followed the conviction I will allow Barber to tell in his own words. Here is his unvarnished tale :—

“After the trial (1844) I remained about a week at Newgate. I was then sent to Millbank; I was chained by the leg to a doubly-convicted felon, and in that state I was sent to Millbank. On my arrival there I was kept in a solitary cell for two months. At the end of that time I was removed on board a convict ship, and I was passed down by a boat from Millbank to Woolwich; there I was handcuffed and chained to half a dozen other men, and in that condition I was taken on board the convict ship at Woolwich. After a day or two the chains were taken off; then, after another day or two they were put on again, and after about six days lying at Woolwich the voyage commenced. We went a considerable distance out to sea chained by the leg, and keeping on those chains night and day my leg became excoriated by the pressure on the ankles; and from the awkwardness of getting into the hammock with those chains on, they hurt me at that time very much. The voyage lasted about four months. I do not say that I was treated with unusual severity on the

voyage; I suffered severely, but not more than could be avoided; I had to clean the deck and to do many duties which were not very pleasant, but I had nothing to complain of on the part of the officers on board. The chains did not remain on during the whole of the voyage, but were taken off the whole of the convicts after we got well out to sea—I think after the fourth day. There was a guard of 50 men on board. I was treated precisely as the other convicts were. There were 200 convicts on board. I slept in the same place with them; we were divided into messes, according as we happened to go down into the hold; as we happened to go down we were chalked on the back and divided into messes of eight, and those eight men formed one mess, sitting round a sort of table for the rest of the voyage. At the termination of the voyage we were landed at Norfolk Island. On my being landed upon the Island, I was put into a barrack where there were 220 other prisoners, and in consequence of the great heat of the climate, and the sudden change in the diet, I, with about 50 others of the ship's company, was invalided. We had to be examined by the medical officer, and the medical officer ordered myself and others not to go to work for that day; we were desired to go into what was called the lumber yard, and Major Childs, the Commandant (that was my first interview with him), on his coming down to the station, inquired about the men who had arrived by our ship, the 'Agincourt,' and on hearing that there were a great many who had not gone to work, he desired to see them, and as he stood by the principal office near the gateway of the barrack yard, about 40 or 50 of us had to pass by him in single file. About ten of the men had passed by him unnoticed. When I came up, I of course lifted my cap off my head respectfully to him, and he immediately said, 'Let this

man's hair be cut.' Now, my hair had been cut the very day before, as all the men's had when they arrived on the island. Then he asked 'How is it that you have not gone to work?' I said 'I was ordered not to go to work, sir.' 'Hold your tongue, sir; go in, sir (there was a gateway standing open, and he had a cane in his hand); I will see to you, Mister Barber—I will see after you.' I mention this in order to show, from my first arrival in Norfolk Island, the kind of feeling which was uniformly shewn towards me by the Commandant. Applications were made on behalf of other convicts of the better educated class for appointments as clerks, or their services to be employed as clerks. I was so applied for by persons who would have taken me as clerk. Lieutenant Lloyd was on board the ship I went out in and had seen me throughout the voyage; I had been of use on board—in fact, I had prevented a mutiny on board, and the surgeon-superintendent reported very favourably of me. I merely mention that to shew that I arrived on the island with very favourable testimony, but, notwithstanding that, I was treated in the peculiar way I was. I was applied for by Lieutenant Lloyd as clerk, and immediately afterwards by two other gentlemen; but the applications were in every instance refused by the Commandant. The authority I have for stating that is this—the gentlemen who had applied for me reported it to me. 'I have applied for you, Barber, but the Commandant will not allow it.' Mr. Commissary-General Smith applied for me as clerk and also as hut keeper, but that also was refused, and then he applied for me to perform the duties of a bag-mender at his own place, which was refused. In the Commissariat department they have a great many sacks or bags which were always requiring repairs, and great many men are employed in mending them, and he

applied that I should be appointed a bag-mender, which was refused. Mr. Rogers, the chaplain, and a magistrate of the island, applied for me to be his servant, but that was refused, and another man who came out in the ship with me, and who had been doubly convicted, was allowed to be his servant. The duty of a servant to a gentleman is to clean his house, black his boots, clean his knives, cook his provisions, and wash for him, for there were very few female servants on the island at that time; and all the duties which are required of a servant would have been an immense relief to me, when contrasted to the duty which was assigned to me. I was ordered to be a wardsman. There are three stations on Norfolk Island—one called 'The Settlement,' another called the 'Cascades,' and another called 'Longridge; they are equi-distant, about three miles; in the Settlement is a barrack, which will receive about 200 inmates. The prisoners are locked in that dormitory from about dusk at night until daylight in the morning; there is no outlet whatever, and therefore for their occasions, tubs are placed in the avenues between the tiers of sleeping berths, for their use; the duty of a wardsman is to keep these men in order at night, to prevent battles taking place between them if he can, and other misconduct; and if it take place he is held responsible for it; it is considered that he ought to have prevented it, so that he is placed in peculiar jeopardy; if he allow it to take place he may be punished by being flogged; if he interfere he may very likely be killed (which often took place), or have an eye knocked out, or suffer some other personal violence from the savages (for they are no less) who are located there: many are murderers, many are there for unnatural crimes, and a great many for burglaries, and other offences of the deepest dye. They were some of the very

worst of the Norfolk Islanders; some who had been transported for murder and manslaughter, and heavy crimes, from England, and some colonially-convicted men—men who had committed new crimes after their sentences and after their arrival in the colony. I had to keep watch and ward all night entirely by myself. In the morning my duty was to take those tubs which were on the first floor, as it might be called, down stairs through the barrack yard, before all the men, and before several of the prisoners who had come out in the ship with me, who were comfortably dressed, perfectly clean, having nothing whatever to do but just to marshal the men and write in the office. I had to take those tubs down before the officers and prison clerks, who stood at the door, and I, almost naked, passed to and fro and take them down to the sea, empty them there, thoroughly clean them out, take them back, and then I had to scour the ward on my hands and knees, arrange all the hammocks of the men, and if all that was not done to their satisfaction, I was liable, and very frequently did receive violent abuse and threats for not having adjusted a man's hammock just according to his taste, or I had not dealt with the tubs as he fancied they ought to be dealt with. I do not qualify the expression with regard to murderers; there were a great number of murderers on the island. It seems rather an anomaly, but some of the most dreadful murders I ever heard of had been committed by men in Norfolk Island. The men had been convicted of either murder or manslaughter, and their sentences had been commuted. Sometimes a man had only got off upon a point of law. I may perhaps mention one case, that of Augustus Dalmas, who cut the throat of a lady he was courting; he was convicted, and sentenced to death, but after his sentence it was pretended by his friends that he was

insane at the time the crime was committed. I was the sole attendant over these men, and remained in charge of the 220, having to wait upon them as well as prevent crimes. I had to make the hammocks and clean the rooms for these 220 men without any assistance whatever. I believe there had been an inquiry in the case of Augustus Dalmás, and there was a medical report that he was not insane, but there was a further report made by some officials, which resulted in the sentence being commuted to transportation for life; and Augustus Dalmás, after he came on the island, was indulged and petted, and placed in a position of exceeding luxury in comparison with mine. After I had done my work in the course of the day I was able to get a little sleep; perhaps my work began at 5 in the morning, and perhaps I could get through all the cleaning and preparing for the men against the evening, by two or three o'clock in the day; then between that and five and six o'clock in the evening I got some sleep; that was all the sleep I could get. This went on for twelve months and rather more—not always in the same ward, but sometimes at Longridge, and sometimes at the other station, the Cascades. I was sixteen months in the wards, and four months at field labour, except when I was carried to the hospital, which I frequently was, in consequence of the foul nature of the work, which affected my health so much. I daresay I may have been in the hospital altogether six or seven weeks at different times. The work I had to do in the fields was to break up the ground with a very heavy hoe; each man in a gang had the same task. The gang I was placed in was the heavy gang, in which the strongest men were placed, and each man had to do a specified quantity. I had to do the same as very strong and powerful men. I was frequently in a broiling sun, and at other times during a

tropical rain. I was exposed to these alternations in the course of one day; I would sometimes be as wet as if I had come through a river, and in an hour after that I would be dried up to a cinder. I was not chained at work—the men were not chained on the island unless they committed some offence upon it, which of course I never did. I had an overseer named Lane, who had been twice convicted; his business was to do nothing but see that we worked; he did nothing else all the time he was on the island; he was well known to be a most cruel man, and inasmuch as the Commandant was known to have what was called a *down* upon me, all the subordinate officers under whom I came treated me accordingly; they had their cue, and when I was at field work in a gang they had an eye upon me; if I stood up for a moment to relieve myself, he immediately called out ‘no straight backs;’ if we did not go on with the work to the overseer’s satisfaction we were liable to be flogged. I was at field labour about four months. Fletcher was not put to the same labour—on the contrary, he was employed as medical dispenser; when I was ill he had to make up and serve me with the medicine, although it was well known there was the greatest hostility between us, and we never spoke. He was medical dispenser on the Cascade station, and had a hut to himself, with superior bedding and rations; and what was a most important thing, he had a separate sleeping apartment at the time when I had every morning to empty 40 tubs, and to clean out every one of those tubs. Upon one occasion when leaving the hospital, being barely convalescent, I had been ordered by Dr. Graham to stone-breaking, as a task less severe and unwholesome than my ordinary employment; I was sitting by the roadside breaking stones, and Major Childs came up to me and said ‘What do you do here?’ I

said 'Sir, I am ordered by the medical superintendent to break stones.' He said 'I will not have that,' and went up to the station and gave his orders that I should immediately go back to the ward. He came in and said 'What is your objection to cleaning the ward?' I said 'I have made no objection; it is destroying my health, but I have made no objection; I do it, I get ill, I go to the hospital and come back again; I have made no objection.' He said 'How does it injure your health?' I observed that it was the most loathsome and disgusting thing that could possibly be, and even harder work would be cheerfully performed in place of a task so nauseous and humiliating. He laughed and asked, 'How does it injure your health?' I said 'Independent of the exhalations, from the commencement I have got wet feet every morning, from going out in the heavy dew.' He said 'Then put your shoes on.' I said, 'That is of no use; they soon get filled with water.' 'Then take them off!' and with that he made a loud laugh and strode away. On another occasion I was at Cascades under Lieutenant Butler, the superintendent of the station, and on going there he applied for me to fill the office and perform the duties of chapel clerk and schoolmaster, there being one or two such persons at all the stations, who had nothing else to do but that. Lieutenant Butler informed me he had applied, that Major Childs had refused, and that he assigned as a reason 'that Barber was a public character, who had been talked of in the newspapers.' Lieutenant Butler pointed out to him (as he told me) that my conduct had been unexceptionable, that I should be very useful, and that there were many persons employed in the island in that way; but it was all of no avail, the Major ordered me back to Longridge station. On my mentioning that circumstance to the magistrate at

Cascades, and the chaplain of the station, Mr. Rogers, he said 'They will kill you, Barber, if you go back to Longridge.' I said 'I hope not.' He replied, 'Your life ought not to be wantonly exposed in that way.' I should perhaps explain that there had been a murder of unusual atrocity committed on the island; there was great difficulty in obtaining light sufficient to show who had been the perpetrators of that offence; some facts had come under my own observation, while I was a wardsman, which appeared to me to be material to a certain extent, but not at all conclusive; I heard from time to time the progress that was made in the inquiry, and finding that the prosecution of it was likely to be given up from the want of evidence, I then communicated to Mr. Naylor, the senior magistrate of the island (who was engaged with the Attorney-general of Van Diemen's Land in investigating the matter) the facts which I have referred to, requesting, unless it were absolutely necessary for the ends of justice, that I should not be called upon to give evidence; but some time afterwards Mr. Naylor came to me and said, 'Well, Barber, the facts you communicated to me some time ago I find will be important. I am not going to ask you whether you will attend as a witness; it is my duty to instruct you to do so; you will be sent for when the trial comes on, and you must come up to Government House,' which was the residence of Major Childs at this time. Accordingly I was directed to meet the Attorney-General of Van Diemen's Land; the trial took place; I was called as a witness, and the parties were convicted and executed. Now the offence which had been committed, though most men in the island regarded murder with a certain amount of terror, was supposed to be extenuated, as the murder had been committed on a man who had interfered with the prisoners

in sheep-stealing, a thing which the prisoners, or a great many, sympathised with, because they said they were deprived of their allotted rations, which was the fact—the rations which were stated to be due to them they did not get, and those men therefore thought it was only fair retaliation if they could get a sheep, and cut it up and divide it amongst them. The policeman on duty had interfered with these men, and they murdered him under circumstances of great brutality. In consequence of the conviction of those men, who were executed, their immediate friends were vindictive, and threatened the lives of the witnesses. I, therefore, under the advice of Mr. Rogers, drew up a representation to Major Childs of the fact that I was a marked man among the friends of the two persons who had been hanged, and as a great many of their most intimate associates were at Longridge, I considered my life would be in danger if I was sent there. But notwithstanding that representation I was sent there. To show that the idea of danger was not a mere chimera, I may state that one of the witnesses was murdered, and two of them were most violently assaulted and illtreated. One of the witnesses was taken especial care of by Major Childs; lest he should be hurt; he was employed in the garden of his private residence, slept on the premises, and was taken the greatest possible care of. The result of Lieutenant Butler's application for me as chaplain's clerk and school-master was, that I was sent to Longridge station, and placed in the heavy gang, to work under the cruel overseer, Lane. From the beginning Fletcher was exempted from the severe treatment to which I was subjected; he was employed nearly the whole of the time as medical dispenser. For a very short time, I think, he went out as overseer of what is called the light gang; he never was in the heavy gang at all. For

nine-tenths of the time he was there he was medical dispenser. He was between 50 and 60 years of age, but a very strong, hearty man. The result of my being sent back by Major Childs to the ward from breaking stones was that I became ill again in two or three days, and had to go back to the hospital. Finding I had been sent back to the ward, on his arrival at the station next day, Dr. Graham entered in the visitor's book a most indignant protest against it, stating that he would not answer for my life (or some words to that effect) if that treatment was persisted in. Nevertheless, I had to continue in the ward until sent back to the hospital. There was an end of this, however, before I left. At the end of sixteen months I was put into an office in the agricultural department. It occurred in this way: I was in hospital; Major Childs was passing, and the chaplain said to him 'There is Barber in hospital again.' 'Oh,' said the Major, 'He is always in hospital.' 'He will not be in much longer,' replied Mr. Rogers; 'you will find he will be in the grave; and I will tell you who I shall hold responsible for it.' The governor seemed rather alarmed at that, and the interview resulted in my being removed to Cascades, which was considered a more healthy part of the island. After a week I got considerably better, and then I was employed to clean the wards there. I continued there until Lieutenant Butler applied for me as clerk and schoolmaster, and I was then sent back to Longridge. I was subsequently taken out of the fields to go into the office of the superintendent of agriculture, on this account: The duties were considered very difficult and important; there were statistical papers and financial statements to be prepared for the government, and things of that kind; the person who had done that had been removed from the island; they were in considerable

difficulty to know who they could get to do it, and at last Major Childs considered that I should do it. I employed part of my time in endeavouring to get proofs of my innocence, and that came to the knowledge of Major Childs, who immediately ordered the constable of the island to come and seize all my papers. The papers were taken and kept from me, and were not returned during all the time I was on the island; it was only when I received my conditional pardon, and I arrived at Hobart Town, I went and applied for them to the Colonial Secretary. I was forbidden the use of writing materials. After my labour in the field I went to the school, and spent about three hours in teaching the men; whilst I was there, when I took up my pen and was about to explain some diagram, the master of the school came up and said 'You must not have a pen, Barber,' that was the first intimation I had that I was not to be allowed the use of writing materials. I said 'What is the meaning of this? I am merely sketching out a diagram for the use of the men in my class.' 'Well,' he said, 'you are not to be allowed writing materials;' and I ascertained a strict order had been given, that if writing materials were found in my possession, they were to be taken away. I had been allowed the use of writing materials until Major Childs found out I was collecting proofs of my innocence. I had made representations for the Home Government, and wrote letters to Sir Robert Peel and other members of Parliament. Mr. Naylor, the chaplain of the island, also wrote letters on my behalf, but they did not reach their destination, being suppressed, I presume, by the Comptroller-general at Hobart Town. I addressed many letters to public men in England—several to Lord Brougham, whom I had the honour of knowing and acting in concert with in matters of education, and to

members of Parliament and other persons of distinction and influence, entreating them to inquire into my case; but I do not know of any of the letters written by me or for me having ever reached their destination. I was at Norfolk Island two years and four months altogether, and when the order came to remove the whole of what they called the new prisoners sent from England to Van Diemen's Land, I was sent with them in the 'Pestonjee Bomanjee,' of which Dr. Browning had charge as medical superintendent. I was landed at a small bay in Van Diemen's Land, called Impression Bay, and after I had been there two days, the superintendent of the station intimated to me that a conditional pardon had been received for me. On leaving Norfolk Island I received a certificate from the civil commandant who had succeeded Major Childs that I had committed no offence; no charge of insubordination or of improper conduct had ever been brought against me there. Major Childs had left the island about seven months before this; he was dismissed by Sir Eardley Wilmot, Governor of Van Diemen's Land, and Mr. John Price succeeded him. I had no complaint whatever to make concerning Mr. Price's treatment; I had only to complain of Major Childs and those who acted under his directions, who tormented me in every way, I believe, because they thought it would be agreeable to Major Childs. All the letters which I complain were stopped were forwarded through the regular channels. On receiving information that a conditional pardon had arrived at Hobart Town, I was told 'You are now at liberty.' The superintendent of the station said, 'You must give in your prison clothing.' I said 'What clothes am I to travel in? Are no instructions given by the government as to my getting away? I have not a single article of clothing.' He said, 'There are

no orders about that; you will have to give in your prison clothing; there are no orders about other clothing.' 'How am I to travel? I cannot leave without some clothes?' I was obliged to beg amongst the prisoners, and one or two free persons who were on the island, for little articles of clothing, and the superintendent gave me one or two articles of old clothing. I got covered in the best way I could; it was rather a motley attire; I then got to Hobart Town, and I first went and applied for the conditional pardon which was delivered to me. On my arrival there I also applied for the papers that had been taken from me at Norfolk Island, and then certain papers were returned to me; but many papers of considerable importance were not amongst them. I inquired with reference to some letters that had not been sent, and after some delay, and a good deal of demur, it was admitted that there were letters in the office, and they were ultimately handed over to me. I put the question in this way, whether a letter which had been received at the office at Norfolk Island had been forwarded to Hobart Town, and if so, whether it had been transmitted to England? If not, whether it would be delivered up to me? And after a delay of some days it was delivered up to me, and I have it now. The seal was broken, however. I was, of course, entirely destitute at Hobart Town; I did not know a person in the place, except one or two who had known me at Norfolk Island. One happened to be the chaplain to the magistrate (Mr. Rogers), who had been in the island. He shewed me great kindness; and I introduced myself to the Lieutenant-Governor (Sir William Denison), who had succeeded Sir Eardley Wilmot; he headed a subscription at Hobart Town, and by that means I got to Sydney. I there introduced myself to the Chief Justice, and

other principal persons of the place ; stated my case ; an inquiry was instituted by the judges and lawyers of Sydney ; they had before them all the evidence upon which I was tried, every word of it : and the confessions which had been made since, and the report of the examinations of Fletcher, which had taken place at Norfolk Island and elsewhere, and that resulted in a report quite favourable to me, and stating that it was beyond a doubt that if I had had a separate trial I must have been acquitted. That report was published by the Secretary of the Law Society of Sydney. After that report was published, there was a subscription entered into in Sydney, which enabled me to proceed on my way homeward. I had only a conditional pardon, and therefore I could not take a ship that was coming to England, and I could not find any ship that would undertake to land me at Boulogne, as they would lose the insurance ; so that I was obliged to take a very circuitous route to go to France ; I got a passage in a ship to Hong Kong, and from thence I got a passage in a ship to Madras. At Madras I availed myself of letters of introduction I had from the first people in Sydney to the judge and the military secretary to the governor there, Colonel Browne. Colonel Browne kindly received me in his house and I stayed with him during the time I have mentioned, about a month. During that time a subscription was made for me, and I was able to pursue my voyage homewards. I came overland, and at length got to Paris. On arriving in Paris I introduced myself to Lord Normanby, and after the lapse of a few weeks his Lordship sent for me ; said he had read my papers, and added, that he had had a good deal of experience of the criminal law as Secretary of State in England, and as Secretary for Ireland, but he had never met with a case which he thought so remarkable or so

hard as mine : and he said he would certainly communicate with the Home Government with regard to it. His Lordship kept his word. As soon as the session was over, he managed to secure the attention of the Government to my case, and in November, 1848, while I was in Paris, I received a free pardon. I then came straight home. At the time Lord Normanby was in communication with Sir George Grey, I made an application to the Home Secretary for a free pardon, and it was granted on the facts which had transpired since the trial. Those facts were the confessions which had been made, chiefly by Fletcher; but there were also important confessions made by Sanders, who was his principal confederate. I was not on good terms with Fletcher while on Norfolk Island; on the contrary, from the moment that Fletcher had concluded his examination at the Mansion House, when I was first apprehended, and I saw his guilt, up to the present time, I have never spoken to him, except in the presence of officers when under examination. I did not, directly or indirectly, either by myself or anybody else, endeavour to induce Fletcher to make any confession or statement in my favour; I always held myself entirely aloof from him."

This is the story which Barber narrated before the Select Committee of the House of Commons appointed to report upon the petition which he had sent in praying for redress; and in every particular his testimony was corroborated by official records or the sworn evidence of others, even the vindictive and cruel Major Childs, who was in England at the time, being compelled reluctantly to support Barber's story, although he coolly denied that he had subjected the convict to unduly harsh treatment while under his control on the island. Immediately on his return to England Barber

applied for his professional certificate, with the view of resuming the practice of his profession, but his application was opposed by the Incorporated Law Society, who contended that the granting of a free pardon did not necessarily establish innocence, as it was simply "an act of grace and mercy." Barber was, in fact, called upon to prove his innocence, and as the judges required certain explanations on a variety of points which he was not then in a position to give, the opposition succeeded and the judges refused to grant his certificate. Five years elapsed, and Barber still remained outside the pale of the profession from which he had been so unjustly cast, although sufficient proof of his innocence had been furnished the higher authorities to induce them to extend to him "an act of grace and mercy," when a most fortunate discovery was made. The written narrative which Sanders had supplied to his solicitor at the time of the first trial was unearthed. When the judges refused Barber's application, stating the certain matters upon which they required fuller information, several prominent gentlemen, moved by a common impulse of humanity, and believing thoroughly in Barber's innocence, formed themselves into a committee to assist him in prosecuting his object, and they hit upon the idea that the solicitor who had been engaged in the defence of Sanders might be the means of affording them information. That gentleman was dead, however, and his successor, a Mr. Crosby, was appealed to, to know if there were any papers connected with Sanders' case among the documents in the office. A mass of papers was examined, and among the papers were found the confession made by Sanders under the heading of "Instructions for my solicitor," and which I have already given. In this confession, it will be remembered, Sanders fully explained how Barber had been

paid to take out letters of administration in the case of Ann Slack, without any suspicion that the will presented to him was forged. Mr. Crosby made an affidavit of the circumstances under which the papers had been found, and stated also that he had had frequent conversations with Sander's solicitor, who always said "Poor Barber was quite innocent, I am sure." These papers were at once brought before the court of Queen's Bench, and the judges allowed Barber to have his certificate. This was in 1853, five years after Barber's return from Australia, and nine years after his conviction and sentence of transportation, but it was not until 1855 that the certificate actually came into his possession. Upon his conviction as a felon, Barber had forfeited all his property, and not having a shilling of his own when he returned, he was obliged to throw himself upon the consideration of benevolent persons who had faith in his innocence, and who cheerfully sent him subscriptions. His former partner, Bircham, proved as dishonest as he was heartless, for he could never be induced to render an account of the moneys collected by him in connection with the partnership, and never paid to his partner one penny of the amount which should have come to him. When Barber resumed practice as a solicitor he found that, notwithstanding the complete vindication of his innocence, his former trial and conviction proved a bar to successful business. On one occasion his clerk had to attend before a judge in Chambers, and although he succeeded in the application he made, the opposing attorney in the case, angry at being defeated, threw into the teeth of the clerk that "the defendant was represented by a convicted felon." On another occasion a party had come to his office intending to make a loan of money on mortgage, and he was to have prepared the securities; but

on his name being mentioned by the borrower to a friend, he exclaimed "Good God, that is the returned convict, Barber," and he was not allowed to do the business. The client said "It is very true Mr. Barber was convicted and has returned," and he explained the circumstances, but the man of money said, "I have not time to go into that; upon my life I will not have my papers prepared by such a person; it is very fortunate if the fact be so, but I will not have anything to do with him."

After struggling for some time against the evils which had been inflicted upon him in the name of justice, Barber petitioned the Parliament of England in April, 1857, and as previously intimated a Select Committee was appointed to inquire into the allegations contained in that petition, and to consider and report "whether any and what steps should be taken in reference thereto." That Committee met in June, 1858, and after hearing the evidence of Barber, Major Childs, Rev. T. G. Rogers, and Commissary-General J. W. Smith, and having placed before them all the documents referring to the case, they reported as follows:—

"Your Committee have inquired carefully into the allegations of the petition, and find them to have been substantially proved.

"Your Committee have not entered upon the consideration of the question whether, in the present or like cases, pecuniary compensation should be granted, the rules and practice of the House precluding them from recommending any grant of public money. Your Committee cannot, however, forbear to state, that the facts presented to their notice in respect to the conviction of Mr. Barber, to the sufferings he endured during the time his sentence was being carried out at Norfolk Island, and to his subsequent exculpation

from the charge on which he was convicted, are so peculiar as to render his case exceptional ; and your Committee desire to express their opinion that Mr. Barber has strong claims on the favorable consideration of the Crown."

The report was "duly considered" by the Government, but they could not see fit to recommend a vote to Barber, fearing to establish a "dangerous precedent." In 1859, however, a sum was placed on the Estimates, but was withdrawn, the Government giving the assurance that they would see if something could not be done by way of influencing the Bank of England. But it is needless to say that nothing resulted herefrom, for Banks like not "dangerous precedents" any more than Governments. After long delay, a sum of £5000 was granted, but poor Barber did not live long to enjoy the price of his liberty and sufferings. The precise year and place of his death are not known, but as his name cannot be traced in the Law List after the early "Sixties," it is to be presumed that he died about that time.

Reference has been made to the confession made by Fletcher himself, who, as the reader has seen, displayed a remarkable antagonism towards Barber, whom he might have cleared at the outset, had he been so disposed ; and it is necessary that the means by which that confession was obtained should be explained. Shortly after the arrival of Barber and Fletcher at Norfolk Island, Rev. Mr. Naylor, the chaplain of the island, became impressed with the peculiarity of the circumstances attendant upon Barber's conviction, and began to inquire more closely into the case, being led by that inquiry to believe firmly that Barber had been wrongfully convicted. He obtained from Barber a full account of his connection with Fletcher and his confreres, and joined heartily in assisting Barber in collecting proofs

necessary to form the groundwork of an appeal to the Home authorities. Barber had preserved a file of the *Times* newspaper, containing an account of the trial, some letters which had passed between him and his counsel at the time of the trial, and other documents, and these Mr. Naylor took charge of. As chaplain of the hospital he was brought into very close contact with the convict Fletcher on one occasion, when the latter was lying very ill in hospital, Mr. Smith, Commissary-General, being with him at the time, and at that interview Fletcher made a voluntary statement to him which convinced him that Barber knew nothing of the frauds at the time they were committed. From this beginning the two gentlemen named began to inquire further, and closely questioned Fletcher, and the forger, apparently with great reluctance, made a confession clearly exculpating his unfortunate fellow convict. In his confession Fletcher said "If the application made by Barber to be tried separately (so that he might have elicited the whole truth by calling myself and the other parties accused) had not been resisted by the prosecution, he must have been not only acquitted, but exonerated from the slightest culpability. As I understand that it has been stated I have refused to admit Mr. Barber's innocence, I feel called upon to contradict this, and to state that I have only objected to sign or declare that which might have a tendency to prejudice myself. . . . If we had not both been tried together Barber must, as a matter of course, have been acquitted. . . . Now that all hope on my part has vanished, I will tell you that, whether guilty or not myself, a clever counsel who might have had me under close examination as a witness, must have wrung out of me such a mass of facts as would have entirely exculpated Barber from the charge of being an accessory to

the forgery." After closely interrogating Fletcher the gentlemen named had an interview with Barber, and subsequently they brought the two convicts together, the result being that Mr. Naylor and Mr. Smith joined in a representation on Barber's behalf, made in the form of a certificate, and this, together with a memorial prepared by Barber, was handed to Major Childs, who forwarded the report to the Home Government, through the Governor of Van Diemen's Land.

One fact was brought to light before the Select Committee which shewed most clearly that Barber's innocence had been declared by at least one of the guilty parties even before the unfortunate victim had reached Norfolk Island. The very day after Barber had sailed in the "Agincourt" with the other convicts, Sanders, who was on board another vessel lying in the Thames, made this confession, which was handed to Barber by the doctor when the vessel reached the Cape of Good Hope:—"I, William Sanders, now under sentence of transportation for seven years, and about to leave my country, am desirous of reiterating all my former statements of my belief and conviction of the complete innocence of William Henry Barber of any participation or guilty knowledge whatever of the late transactions in which I or my wife Lydia Sanders were concerned, or that he received one farthing more than professional remuneration. William Henry Barber was an utter stranger to me until introduced to him by Fletcher, as Thomas Hunt, nor did I after see him or have any subsequent communication with him until my first examination at the Mansion House. I make this declaration from an unfeigned desire of doing all the justice that in my power lies to a person whom I have been instrumental in placing in a

situation, of the horrors of which I am now so painfully acquainted." It was also elicited that Sanders, on his first apprehension, said "I am guilty ; but there is one here who is as innocent as a child unborn," referring to Barber. A further statement of Sanders, entered in the Hobart Town Indent book, was also produced, Sanders having made it on his arrival there, it being customary for every prisoner on arrival to make a statement, which was taken down and witnessed by the registrar :—"I represented Thomas Hunt to get £1,210 Three per Cent. Consols ; tried with Barber and Fletcher ; they went to Norfolk Island ; I was concerned in two other similar cases ; I knew that Fletcher had been concerned in these matters for several years before I consented to take a part in it ; it was discovered in consequence of a correspondence with a Miss Slack ; they were all unclaimed dividends, and we represented fictitious persons, who were supposed to be relatives to the parties leaving the money ; Fletcher has been concerned in it for upwards of fifteen years ; prosecuted by the Government ; *Barber knew nothing about the matter.*"

While acting as Judge of the Criminal Court at Norfolk Island, Mr. Fielding Browne had Barber's case brought before him. He perused the evidence taken at the trial, also Barber's memorial, the report of Mr. Naylor and Mr. Smith, and the several confessions of Fletcher, Sanders and his wife, and Mrs. Dorey (the two women also having testified to Barber's innocence) ; and this is what the Judge reported :—"Could the jury have had the advantage of such an investigation as that to which I have alluded I cannot doubt for a moment that they would have been of opinion that Mr. Barber must have been as unconscious of the fraudulent character of the business in which he was professionally

engaged, as the proctor, or the stock-broker, or any of the other gentlemen through whose hands the matter successively passed."

On leaving Norfolk Island, 3rd September, 1845, Rev. T. B. Naylor, wrote to a friend in Sydney, while Barber's case was being inquired into there, as follows:—"On leaving the island, of which I have now been for some years the chaplain, I owe to public justice the duty of recording my full conviction of the perfect innocence of William Henry Barber, now suffering on it as a prisoner under sentence of transportation. I have, with increasing interest, followed up a series of inquiries into circumstances connected with his case, inaccessible to the court by which he was tried, and many of which have subsequently occurred. In addition, I have heard the reluctant acknowledgments of Fletcher, the guilty originator of the frauds, establishing, beyond the possibility of doubt, the innocence of Barber. My efforts shall continue for his extrication; I deeply lament his truly wretched condition here, and would gladly have seen it ameliorated. I have never known a prisoner of the Crown who has been subjected to greater wretchedness; I rejoice to be able to add, I have never seen an instance of more dignified suffering, accompanied by invariably consistent conduct. It will afford me real pleasure to continue his acquaintance under happier circumstances. . . . I shall never remember without shame and horror the wantonness of the insults and the refinements of cruelty practised towards him at Norfolk Island, from the worst possible motives. I must add, that his manly endurance of these enormities excited my admiration and esteem for him. Never did any man appeal with more justice to the community for assistance."

In the face of all these facts, is it at all wonderful that the jury who returned the verdict of guilty against Barber, and sent him to herd with felons of the worst description, should, having the confessions brought before them, sign a declaration like the following?—"If the evidence contained in the confessions of the said Joshua Fletcher, William Sanders, Georgiana Dorey and Lydia Sanders, and the other facts which have transpired since the conviction of the said William Henry Barber, had been presented to us at the trial, and if the explanation of apparently suspicious circumstances could have been given before our verdict was returned, which has since been afforded, we have no doubt whatever that we should have acquitted Mr. Barber; the failure of justice, so far as concerns him, arose in our judgment mainly from the fact of his not having had a separate trial, and having been thereby precluded from availing himself of the testimony of the other prisoners." Yet there was a man in England, one of these jurymen, who could not be prevailed upon to sign the document, although he admitted that the evidence, if produced at the trial, would have had material weight with him. "No," said he, as he buttoned up his coat over the breast which is generally supposed to contain a human heart, but which in this case was filled with stuff of the blue metal species—"No! I have done with the matter; I will not trouble myself further about it." Well was it for poor Barber, that there were Naylor and Smiths in the world to protect him from the cruel selfishness and wretched inhumanity of a being such as this.

THE CATO-STREET CONSPIRATORS.

Judge Therry, in his "Reminiscences," refers to several remarkable convicts, and I make no apology for drawing

rather extensively from his interesting sketches. In speaking of the Cato-street conspirators, three of whom became known to him during his thirty years' residence in Australia, he says :—

“The wicked design of the conspirators, it will be remembered, was to massacre his Majesty's Ministers, as they sat at a cabinet dinner at Lord Harrowby's on 23rd February, 1820. Thistlewood, once a subaltern officer in the army, and about thirty other miscreants, composed this band. The capture of these avowed assassins in a stable-loft in Cato-street, and the story of their atrocious designs, are too well known to require being re-told. The ringleaders—Thistlewood, Ings, and another—expiated their guilt on the scaffold, but the sentences of the other prisoners brought to trial were commuted to transportation for life. The three transported to New South Wales, whom I met on my first visit to Bathurst in 1830, were S—, W— and H—, then holding tickets-of-leave there. To them the clemency of the Crown was extended from a belief that they were minor participants in the plot, and had been led into it by wicked-minded leaders. Some of them must have been weak-minded to have listened to the inducements held out to them by the ringleaders to join the conspiracy. Thistlewood, I have been assured, told H—, who had been a Life Guardsman, that he would make him Lord Chancellor under his provisional Government. On a calm perusal of the trial at this distance of time, one cannot fail in being strongly impressed with a belief, prevalent at the time of the trial, that Edwards, the “spy” as he was designated, and who reported the proceedings of the conspirators to the agents of Government immediately after their several meetings—might well dispute with Thistlewood the infamy of having originated the idea of

the intended massacre. It was the bad policy of those days to encourage spies—vile hucksterers in blood—who, for the money they expected to make by their villany, made men first their dupes and then their victims. Grievous as was their crime, the three Cato-street conspirators I met with became reformed and useful men in New South Wales. S—— still survives; he was for many years chief constable of the Bathurst district, and was then the terror of bushrangers. His career in the colony shewed that the sparing of his life was a humane and well-bestowed act of clemency by the Crown. He was rewarded by the Colonial Government for having captured several of those daring disturbers of the peace, often after a severe personal conflict with them. The reckless disregard of danger, that in a bad cause made him an apt instrument for the deed that doomed him to transportation, when engaged in a good and righteous one made him an invaluable constable. S—— obtained a ticket-of-leave soon after his arrival from Sir T. Brisbane, for capturing in a single-handed struggle Robert Storey, the notorious bushranger of his time, and many other marauders of less note. If it were known that 'the Cato-street chief' (the name by which as chief constable he was known) was in search of the plunderers who then prowled along the roads, they fled from the district, and his name was a 'tower of strength' to the peaceable portion of the community. At the present time he is the head of a patriarchal home on the banks of the Fish River, at Bathurst, surrounded by children and grand children, all industrious persons, in the enjoyment of a comfortable competence. W—— was also for some time an active and brave constable under S——. On obtaining the indulgence of a ticket-of-leave he married, and became the fashionable tailor of the district. The sign-board over his

shop contained a correct description in announcing him 'W——, tailor, from London.' Of course, the name of Cato-street, the last place of his abode, was suppressed.

"With H——, the Life Guardsman, I came into frequent contact afterwards at the Court of Requests. He was a gaunt, muscular man, upwards of six feet high, with large black eyes starting from his head, and thick jet black hair hanging in profusion over a pale and rather forbidding visage. In appearance he was the very impersonation of a conspirator, fit to have been enrolled under Cataline. He was the principal baker in the town of Bathurst at the time I visited it, and in his conduct there gave no symptoms of the ferocity his countenance and the part assigned him in the massacre indicated. He loved to litigate before me in cases against his customers, who complained that his bills shewed great skill in *addition*, but that they also shewed he had been but very imperfectly acquainted with the rule of *reduction*. He was a man of feeble intellect, to which he was indebted, as expressly intimated in the commutation of his sentence, for his life being spared. A prominent and perilous post was to have been his in the perpetration of the massacre, and the rising of the citizens which Thistlewood expected would follow from it. A part of the wicked work assigned to him was to go with W——, after the massacre, to Knightsbridge Barracks, with which as a Life Guardsman he was well acquainted, and to fling a fireball into the straw-shed. He became, nevertheless, abroad, a well-conducted man and an industrious baker."

OLD DICK HUNT.

Judge Therry also gives a sketch of Richard Hunt, another favorable specimen of a reformed character, who was the accomplice of Thurtell in the murder of Weare, which

attracted much attention in England in 1824 for its deliberate atrocity. "I was present," says the Judge, "at his trial at Hertford in 1824, and heard sentence of death passed upon him, commuted afterwards to transportation for life, as the magistrates held out a hope to him that if he informed where the body of the murdered man lay, it would operate favorably for him. It had been weighed down by a heavy stone to the bottom of a pond, and without his disclosure might probably never have been found. Sir R. Peel, then Secretary for the Home Department, reproved the justices for holding out this hope; but deemed it advisable that magisterial faith should be kept inviolate, and the sentence of death was accordingly commuted to transportation for life. Eight years after his trial I fell in with Hunt at the antipodes. He was there a trusted, and, I believe, a trustworthy storekeeper, assigned to the service of a Government contractor on the Blue Mountain Road. I recognised him at once, as the mail-coach stopped at the contractor's store, at an early hour on a winter's morning. It may be easily imagined what a contrast was presented in his cheerful and healthy countenance to the woe-begone visage he wore in the dock at Hertford. His conduct in the colony was correct, and even meritorious. So unobtrusive and humble was his demeanour, as if every moment he was abashed and sensible of the great crime he had committed, that he was not even once annoyed or taunted with a reference to it. For the last twenty years he held the office of Court-Keeper of the Assize Court at Bathurst, and by his respectful demeanour and general good conduct enjoyed the favourable opinion of all who came in contact with him. Shortly previous to my departure from the colony, he married the respectable widow of a medical practitioner in Bathurst, and by attention to his

several duties became quite an exemplary person. Though a participator in the foul deed of murder he was not the perpetrator of it nor present at its commission. The deed was done by Thurtell alone, who had quite a death-struggle with his victim Weare before he accomplished it. As far as upwards of thirty-years of a well-spent life could atone for the crime it has been atoned for by Hunt—at least, he has approved himself not unworthy of the clemency of the Crown by which his life was spared. He was living in 1859, at the date of my departure from New South Wales.”

During his residence in Bathurst Hunt was the “character” of the place. As Judge Therry intimates, he was a quiet, unpretentious man, and diligent in the discharge of his duties. Before his marriage he lived in Barrack-Lane, which connected Durham-street with Howick-street, and which for many years was a rather celebrated thoroughfare and the place of residence of some noted characters, male and female. For many years a sister kept house for him, she having come out from the old country for that purpose, but the tie between them was broken when he brought a wife into the home, and the sister disappeared from public view. Hunt had a weakness for velvet waistcoats, and the writer has a clear recollection of his portly walk and bearing when on his way to and from his official quarters. He possessed a magnificent baritone voice, and was a splendid singer; indeed, it is said that his ability as a singer was indirectly the cause of his being mixed up in the crime which led to his transportation. But it was only very seldom that he could be induced to sing, and only his personal friends (who were very few in number) had the privilege of hearing the full power of his wonderful voice.

KNATCHBULL, TAWELL, DILLON, VAUX AND OTHERS.

The "Reminiscences" also contain the following sketches of notorious characters :—

KNATCHBULL.—"Knatchbull's case was one that excited much interest in 1844, arising partly from the honourable position the man once occupied, and the great respectability of his connections. He was half-brother of the late Sir Edward Knatchbull, and had himself been a commander in the navy, and in that capacity served as captain of a gun-brig. The career of this desperate person must, no doubt, have given pain to his most respected family; but it could reflect no discredit upon them. The disgrace was all his own. Knatchbull had been originally transported for picking a pocket in Vauxhall Gardens, but at the time he had exhausted the generosity and kindness of his friends by his profligate course of life. In the colony his career was one of low vice and habitual crime. The first time I saw him was in the dock in the Supreme Court in Sydney, when he was convicted of forgery and sentenced to be transported to Norfolk Island. On his way to this penal settlement, a conspiracy (of which Knatchbull was the leader) was formed by the convicts to capture the vessel, not with the wicked daring of pirates, but with the low cunning of the basest of criminals. The design was to poison the captain and crew with arsenic, *four pounds* of which were concealed in a pillow-case and stealthily put on board. This was to have been thrown secretly into the cook's galley. It was pre-arranged that, with the exception of the conspirators, the rest of the crew and passengers should be compelled to walk the plank, and that the vessel should then be steered for an American port. The scheme was detected and defeated. Afterwards

Knatchbull came back to Sydney, got a ticket-of-leave (which after the commission of such crimes ought not to have been given to him), and obtained the command from a Sydney merchant of a small coasting vessel of about one hundred tons, on board of which the captain, mate and sailors, many of them ex-convicts, messed and lived together on terms of equality. What a falling-off, indeed, for a man who had once trod the deck as Captain of a British man-of-war! His guilt in the case of murder for which he was subsequently executed was established on the clearest evidence, in fact, he might be said to have been caught *in flagrante delicto*. The facts were shortly these:—An industrious widow—a Mrs. Jamison—with her two children about from 3 to 5 years of age, kept a small shop in Margaret-place, Sydney. Mrs. Jamison was reputed to be possessed of money, which she was saving for the education of her two children. Knatchbull, in some way, found this out. On the evening of the 6th January, 1844, he was observed to be lurking an hour about Mrs. Jamison's house; this attracted the attention of a Mr. Shallis, who watched his movements. He was induced to do so from having some knowledge of Knatchbull, and a suspicion that he was loitering there for no good purpose. Observing that Knatchbull had entered the house he ran up to the door and listened. He soon heard a noise which he described to be "like that of breaking a cocoanut with a hammer." The house, the door of which Knatchbull had fastened on the inside, was forcibly entered soon afterwards by the police-officers. The poor widow was found insensible, her head dreadfully cut, and blood copiously flowing. Knatchbull was apprehended inside the house, and numerous circumstances combined to leave no shadow of doubt of his guilt. Mrs. Jamison lingered in great agony for

several days after the infliction of several severe wounds, which the surgeon testified he believed to be such as probably to be inflicted by the tomahawk found under her bed. Efforts were made to save Knatchbull's life, but the case was too flagrant to admit of a respite, and he expiated his guilt at the usual place of execution in Sydney. On his person, when apprehended, were found six bills for £50 each, three in blank and three filled up and drawn, in his own handwriting on Sir Edward Knatchbull. These, of course, he could not negotiate, for it was well known that the worthy baronet had long ceased to take any interest in his degraded relative."

JOHN TAWELL.—"John Tawell's case attracted much attention in England a few years ago, partly from its cruelty in poisoning a woman who was dependent upon him for support, and partly from the remarkable mode of its detection. A few minutes after he had done the deed he started from Slough to London by the railway train; but the train was outstripped by the electric telegraph, and on his arrival in London police-officers were in attendance at the railway station, from which he was tracked to his lodgings and arrested. Previous to his transportation, upwards of forty years ago, his occupation in England was that of a commercial traveller. . . . He had been originally transported on a conviction for forgery. The first count of the indictment charged him with forging a bill for £1,000; the second count, with uttering it, knowing it to be forged; and the third with having a forged bill to that amount in his possession. The two first counts, on conviction, would have made him liable to a capital punishment; the last to transportation for life. The prosecution was so compromised that on his consenting to plead 'guilty' to the last charge, (which he did) the Crown entered a *nolle prosequi* on the two

first counts. Consequently, he came out to the colony a convict for this offence. Besides being a commercial traveller for some time he had been in an apothecary's shop in England. On obtaining partial exemption from convict discipline he became the principal druggist, and had the showiest shop of that kind in Sydney when I arrived there. After a prosperous career he sold his business to a respectable chemist (the late Mr. Foss) it has been stated, for £14,000. This sum he judiciously invested in buildings and other pursuits of profit. . . . He had been once a member of the Society of Friends, he wore the broad-brimmed hat, appeared always in a neat and carefully-adjusted costume, and his whole appearance and manner impressed one with the notion of his being a very saintly personage. He always sought the society in public of persons of reputed piety. I have often met him in the street accompanied by a secretary or collector to a charitable institution, whom he assisted in obtaining collections for benevolent purposes. At one time he took up the cause of temperance in such an intemperate and silly spirit that he ordered a puncheon of rum he had imported to be staved on the wharf in Sydney, and its contents poured into the sea, saying that he would 'not be instrumental to the guilt of disseminating such poison throughout the colony.' At another time his zeal took an apparently religious turn. He built in Macquarie-street, Sydney, a commodious meeting-house for the Society of Friends. . . . A considerable part of his money had been realized by buying up all the whalebone that trading vessels at an early period imported into Sydney. This he sent to a London house where it was manufactured into combs, handles for various brushes, and other articles of domestic use. . . . When Tawell

left the colony he had a considerable income arising from rents and other sources, which became much reduced by the general distress which pervaded New South Wales in 1843. Soon after his arrival in England Tawell married a respectable lady, who, it is believed, knew nothing of his antecedents. After his marriage he felt the maintenance of the female whom he subsequently destroyed had become an inconvenient burden to his diminished income. There can be little doubt a desire to relieve himself from the expense of supporting her was the motive that led to the perpetration of the deed for which he deservedly suffered. Since his death there has been a disputed claim to a portion of Tawell's property in Sydney, involved in much legal intricacy, arising from the circumstance of the Crown reissuing a new grant for some land forfeited by Tawell's conviction in favour of his widow and family."

LUKE DILLON.—"Luke Dillon was an Irish gentleman of good family. He had been sentenced to death in a case of assault (capital) on a lady in his own rank of life. This sentence was afterwards commuted to transportation for life. At the time of his trial in Dublin, like the late Yelverton case, it was quite a *sensation* one. I was induced to go on board the convict ship that conveyed him to New South Wales, in consequence of receiving through him a letter from a friend at the Irish bar, Mr. Richard Farrell, Chief Commissioner of the Insolvent Court in Ireland, who was a stranger to Dillon personally, but happened to be present at his trial. Mr. Farrell was induced to write solely from some serious doubts he entertained on the propriety of the conviction. That Dillon's case was morally bad and base in the highest degree there can be no doubt; yet there was

great imprudence on the part of the lady on whose account he was sentenced to death, that might, on calm judicial consideration, have reduced the offence from the character of a capital crime to one of seduction under aggravated circumstances. Mr. Farrell drew my particular attention to the remarkable feature in the case, that Dillon and this lady were refused admittance early in the afternoon at a respectable hotel in Dublin, as they brought no luggage with them, and thereupon they walked together across the street, and were received at a public house, where the imputed offence was committed. Ordinary discretion should have prevented a lady so rejected from entering such a place. The authorities at home, on a subsequent review of the case, formed a less unfavourable opinion of Dillon's conduct than prevailed in Dublin during the *sensation* trial. A conditional pardon soon followed him to the colony, which set him at liberty within the limits of New South Wales. Had he remained a year or two longer he would have obtained an absolute one; but, impatient of the restriction to remain in the colony, he escaped, and hence made his way to Dieppe, in France, but never afterwards revisited any place within the realm of England. He was unobtrusive and well-conducted in the colony, and received much kindness from persons who had known his family in Ireland. I lately heard at Paris of his subsequent career. He assumed a fictitious name, and married, at Dieppe, the daughter of one of the principal innkeepers of the town. After a residence of a few years there, his career became known to the innkeeper, who took his daughter and their children from him, and dismissed him from the house. Soon afterwards Dillon became insane, was confined in a French Lunatic Asylum, and there died some time ago in the prime of life."

VAUX'S CASE.—“John Hardy Vaux was an educated convict. He had been transported for life. After the usual probationary course, he obtained a conditional pardon, which placed him in the position of a free citizen in New South Wales, provided he did not leave the colony. The violation of the condition of residence subjected him to be remitted to his first sentence—transportation for life. He escaped, however, from New South Wales, and on his arrival in England, had the hardihood to publish a book descriptive of his career in the colony, which attracted some attention in London about the year 1828. Soon afterwards he made his way to Dublin, where he was again convicted of larceny, and transported for seven years under the assumed name of James Stewart. On the arrival of the ship that conveyed him to New South Wales, I went on board to see this then somewhat remarkable person. One who has seen a good portrait of Robespierre might easily imagine, on seeing Hardy Vaux, that he had an impersonation of the regicide before him. Like the regicide, too, his address was very courteous, and his voice was one of a remarkably soft and insinuating tone. In a conversation I had with him he expressed a deep contrition for his past life, vowed amendment, and moved one to pity for his fate by the silvery accents in which he poured forth his gratitude for the mercy that had been shewn him, and expressed a hope that by his future conduct he might prove that it had not been unworthily bestowed. I have no doubt that he meant at the moment all that he had uttered, but so incapable had he by this time become to resist any temptation to crime that presented itself, that within a twelvemonth after his arrival, a second time as a convict, he committed a felony, for which he was sent to work for two years in irons on the public roads. The last

time I saw him was in the dock about ten years ago accused of a fresh crime. He was then advanced into the decrepitude of old age."

THE NAMELESS GERMAN.—"A German artist, whose name I withhold, as he lived creditably and married respectably in the colony, served his sentence in the country, and on coming to Sydney enjoyed the general reputation of being an emigrant. He arrived, though in a different ship, on the day of my own arrival in 1829. Both ships had also sailed from England on the same day, about three months and a half previously. I happened to be present at his trial at the Middlesex Sessions, where he had a good chance of a favorable verdict, until he put an injudicious question to the principal witness. The charge against him was for snatching a reticule from Lady Laura Meyrick's hand, on her coming out of the Opera House. In the reticule was a small scent-bottle, which the witness said she believed was her property. The evidence as to the identity of the stolen bottle, however, was weak, until, unfortunately for himself, the prisoner put a question, inquiring the grounds of her ladyship's belief. The reply was, 'Because, as you may see, my husband's crest and the initials of my name are engraved upon the stopper of the bottle.' The adage that 'when a man is his own counsel he has a fool for his client' could not be more completely illustrated. He was immediately found guilty, and sentenced to transportation for seven years. This person had taught drawing in several high families in England. He cultivated his art in the colony with some success." (The learned judge in this case left off right on the borders of a joke. If this artist-convict served any portion of his time in the Government employ he had a large amount of drawing to do, but a handcart was the solitary "artist's material"

supplied to him for the execution of the work. There were many "high-class" artists of this kind in New South Wales, who were taught drawing to perfection in the State school, free of charge).

MAIS AND FITZGIBBON.—"Mais and Fitzgibbon may be numbered amongst the remarkable convicts. Their cases furnish a striking illustration of the very unsuitable mode of disposing of convicts on arrival, arising from inattention to their classification. If it had been designed to place these convicts in a position in which they might, with the utmost facility, repeat the crimes for which they had been transported, and almost be tempted into their commission, no more convenient place could have been selected than the service to which they were assigned. Mais, a man of dark colour, from the isle of France; the other, Fitzgibbon, a native of Belfast, were transported, in 1829, for life, both for the crimes of forgery. They were clever and well-educated convicts. They were assigned as clerks to the Commissariat Department stationed at Liverpool, then a large depôt for convicts; furnishing road parties, varying from twenty to forty in number, for the repair of the public thoroughfares. These parties were scattered in detachments over a range of about twelve miles, in different directions from the town. Mais and Fitzgibbon thus occupied a position of trust similar to that of commissariat clerks. They had access to all the printed forms of the office, and with the facilities which that access afforded, concocted this very ingenious and successful fraud. They prepared a nominal list of five-and-twenty fictitious persons, and described a road in the neighbourhood, to which they gave a fictitious name, where these men were represented by them to be engaged at daily work. The road and the road party

only existed on paper. In order to complete their fraud it was necessary to forge the signatures of six or seven persons; first, the signature of the contractor to a draft on the Commissariat, who was supposed to supply the party with provisions; and, secondly, signatures to the receipts of several persons for small payments, which that carefully conducted branch of the public service requires previous to the payment of money. So successfully were those numerous signatures imitated, that all the witnesses whose names were forged admitted on the trial, that if the signatures alone had been submitted to their inspection, unconnected with the documents to which their names had been attached, they would have believed them to be genuine signatures. In the instructions I received as counsel for their defence, I became acquainted with the artistic mode in which these signatures were executed. Apprehensive, however, that to disclose the mode may not come under the head of 'the diffusion of useful knowledge,' I forbear from describing the process resorted to. Suffice it to say that it was one that furnished a more exact resemblance of handwriting than photography can supply. In the case of Mais and Fitzgibbon the proof *aliunde* was quite irresistible. In their case, as in many others, the folly of the criminals led to the detection of the crime. These persons obtained a week's leave of absence, and proceeded to Sydney. They there got equipped by a fashionable tailor, and for a few days passed themselves off as gentlemen of fortune. The police, however, attracted by their obtrusive appearance in public, soon brought their career to a close, though not until they had succeeded in defrauding the Commissariat of several hundred pounds. A small portion of the money—the fruit of their fraud—was found upon them when they were apprehended. They were

tried at the Campbelltown Assizes of 1830, and subsequently suffered, being, I believe, the two last persons in the colony who underwent the extreme penalty of the law for this offence, to which soon afterwards, in conformity with the law in England, was attached the mitigated punishment of transportation."

THE "KNAVE OF DIAMONDS."—"Bushell—known by the sobriquet of the 'Knave of Diamonds'—was a convict of very varied accomplishments. He spoke German and French as fluently as English. His knowledge of German facilitated the commission of the fraud for which he was transported. Personating a Prussian baron, well moustached and disguised in suitable costume, he gave an order to an eminent jeweller (Hamlet) to provide him with diamonds to the value of several thousand pounds. Whilst the order was in process of execution he gave another order to a jeweller to provide him with low-priced imitation diamonds, and to prepare a box similar to the one containing the pure ones. Afterwards by extraordinary dexterity, on the occasion of one of his visits to Hamlet, he contrived to substitute the mock box for the real and valuable one, and with it escaped to the continent, where he was detected with either the diamonds or the proceeds he obtained from the pawnbroker to whom he had transferred them. I have not met with a report a Bushell's trial, but this is the tale of his adventures current in the colony. Bushell had a voice quite equal to Lablache, to whom in size and person he bore a strong resemblance. He was the principal singer for many years at our theatres and concerts in Sydney. There he made a respectable connexion by marriage, and led, I believe, a reputable life. He died a few years ago in easy circumstances."

THE CASE OF WILSON AND TATTERSALL.

In 1834 three convicts took to the bush near Sydney and caused not a little sensation by their depredations. The names of two of them were Wilson and Tattersall, the former being a villain of the worst type, as cruel as he was unprincipled. He had been transported for life to the colony for burglary, and his life was one long series of crimes of violence, his own death on the gallows forming a fitting sequel thereto. The offence for which he and his companion bushranger, Tattersall, were executed was murder of the most deliberate kind. The three men had evaded arrest for some time and appeared to have been known to one of the leading barristers of the colony, Dr. Wardell, who also had made a reputation as a vigorous writer on current events. This gentleman lived at Petersham, a few miles from Sydney, on his own estate, and it was a frequent custom of his to ride round his estate in the early morning. During one of these riding excursions he fell in with the three bushrangers. He was unarmed at the time, and contributed to his own destruction by a most foolhardy act. Addressing Wilson, the leader of the gang, he told him to "come along with him," and attempted to drive the bushrangers forward for arrest. Wilson warned him off, but Wardell persisted in his effort to arrest them, and although Wilson called to Tattersall to bring him his double-barrelled gun, which was concealed in the bushes a few yards distant, he still stood his ground. The gun was brought, and Wardell then appeared for the first time to realise his danger. Seeing the gun pointed at him he called out "Surely you will not fire on an unarmed man?" Wilson simply replied "Won't I!" and immediately fired, killing Wardell on the spot. The horse galloped home, and a search having been instituted, Wardell's dead body

was found next day at the spot where he received his death-wound. A few days afterwards the three bushrangers were captured, and at the trial the third member of the gang turned approver, the whole of the circumstances of the tragedy thus being revealed. On being called upon in the usual way to say why sentence of death should not be pronounced upon him, Wilson shewed by his words and actions that he was utterly callous and brutal. He inveighed against the counsel who had defended him, declaring that he was a "spooney, and had only been sent to pump him ;" and upon his comrade in crime, Tattersall, declaring that "he had no part in the actual murder, and that he had only obeyed the bidding of Wilson, who would have taken his own life if he had not handed him the gun when desired to do so," he turned upon Tattersall, knocked him down in the dock, and attempted to trample upon him, and it was with difficulty that the unfortunate wretch was rescued from his violence by the officers of the court. Before his execution Wilson declared that during the trial he several times intended to leap over the dock, seize one of the swords which were hanging outside the jury box (the jury was composed of seven military officers, who had hung their swords near the dock before taking their seats), and rush at the Chief Justice who tried the case and cut off his head on the Bench. He died as he had lived, a reprobate of the worst class, Tattersall being executed with him. The third bushranger, who had turned approver, was, twenty years afterwards, charged with the murder of his wife under circumstances of great brutality, but the jury who tried the case, much to the surprise of the presiding judge, returned a verdict of acquittal.

JOHN LYNCH'S CASE.

Perhaps one of the most remarkable cases of brutal depravity ever recorded is that of a convict named Lynch, who was transported from Cavan, Ireland, 1831, for robbery, his sentence being fourteen years. In the same ship there came out with him to the colony his father, under transportation for life, his crime being manslaughter. Four years after his arrival in the colony, Lynch was placed upon his trial, in company with other men, for the murder of a fellow convict on an estate near Berrima, where they had been all engaged. The man had been beaten to death with clubs, and his body had been placed on a fire, the murderers endeavouring by this means to destroy evidence of their crime. The evidence against Lynch, as the one who had taken the prominent part in the deed of blood, was very strong, but through one of the principal witnesses for the Crown appearing in the witness box in such a state of intoxication as to make his testimony valueless, the whole of the prisoners were acquitted. This witness was overseer on the estate where the crime was committed, and ten years afterwards was himself tried for murder.

Lynch went from bad to worse, and in 1842, eleven years after his arrival in New South Wales, he was tried for the murder of a man named Londregan, and being convicted, was hanged. The story of his worst crimes is best told by himself. The day before his execution he made the following confession before Mr. Bowen, Police Magistrate of Berrima. He first minutely detailed the circumstances attendant on the murder of two persons whom he met on the road, and whose company he joined. These two persons (a white man and a black boy) were driving a dray belonging to Mr. T. Cowper, laden with bacon and other articles for the Sydney

market. Lynch killed them both with an axe as they lay asleep, hid the bodies under a heap of stones, proceeded to Sydney, and sold the articles on the dray in Sydney. On his return to the country with the empty dray, he said he fell in with the two Frazers (father and son), and he thus coolly narrated what followed :—

“ While encamped at Bolland’s, at the stone-quarry, the two Frazers came up with Bawtree’s horse-team and dray. We sat together by the fire, had a great deal of talk, and, as usual, I told them as many lies as suited my purpose, and managed to get from them an account of the whole of their and their master’s concerns, as well as of the valuable load they had on. But I had then no intention of doing them any harm. We travelled together next day, and I was enabled to afford them great assistance in getting on their tired horses, for neither of them could drive well, and I was clever in the management of draft cattle. We encamped in Bargo Brush, by the side of the road, and a cart with two men and a woman afterwards joined us. When we were all lying down, and, I believe, all but myself asleep, a man on horseback rode up and made particular enquiries about Mr. Cowper’s dray, describing it exactly, and telling the whole history of its appearance, as well as that of the driver and the black boy. I lay still and did not speak a word, but Frazer, the old man, got up, between asleep and awake, and answered something at random. The rider then asked the distance to the nearest inn, and went on. ‘ Whew ! ’ said I, ‘ this is sharp work—this will never do—I must get rid of this dray and get another somehow.’ I had the whole night to think over the matter and to form my plans. So in the morning I went under the pretence of looking for my bullocks, but in reality of driving them away into a deep gully. I strangled the dog belonging

to Mr. Cowper's bullock-driver, and stayed away long enough to allow the other cart with the two men and the woman to leave, knowing that the Frazers—who seemed greatly to desire my company from the assistance I could give them in managing their teams—would wait for me. When I returned I told them that my bullocks were nowhere to be found, and I had no doubt they had gone to their own home, up the country beyond Berrima. I consulted with them what I had best do, and we agreed that I should leave my dray there, since it was nearly empty, and go on with them for the bullocks, as they offered to take the few things I had on their dray. We encamped for this night in a flat on the other side of Cordeaux's Hill. In the morning young Frazer went over the hill to get the horses, and I volunteered to go with him and assist. It was cold, and I put on a pea-jacket, not to keep me warm, however, but to conceal an axe which I held under my arm. When I got up to young Frazer I had no difficulty in obtaining the opportunity I wanted. I gave him one crack on the head, and he just dropped like a log of wood. If people knew how easy it is to take away life, things of this sort would happen oftener. I then returned to old Frazer, who remained with the dray, and began yarning to him. After a time he began to wonder what had become of 'Wully.' I had my axe all right, but would not strike until I could make all sure. At last he turned his head, and down he went. The next business to attend to was the getting rid of the bodies. I dragged the old one some yards out of the way, lest persons passing through the flat might come upon it, and then returned to the body of the son. With a spade I got from the dray I dug a hole and buried him; afterwards I buried the father in the same manner.

"By the time I had finished, the day was far advanced, so I thought it better to stop there for the night. By the evening of the next day I got to Mulligan's. I had no notion of trusting them, or indeed anybody, so I amused them with an account of my being hired to drive up the dray for a gentleman in Sydney. The family consisted of the old man Mulligan: Mrs. Mulligan, who lived with him, but was not his wife; her son, a lad of about eighteen; and her daughter, a girl of about fourteen. Mrs. Mulligan, seeing chests of tea on the dray, said she was out of tea, and proposed to buy a chest of me. At first I reminded her of the bad faith they had kept with me before, but pretended at length to bargain with her. But this was only my craft, you should know, for I had no notion of letting her have any of the property; I only wanted to know how much money they had in the house. She said she had £9. We did not come to any agreement, but I let them hope they would get some of my master's property. The next day, in the afternoon, I pulled out a note (£1) and sent to Gray's public house to treat them. In the evening we drank together and got very sociable, but I took care not to drink much. Well! thoughts were in my head, and the time was coming on; I began to feel very disturbed and walked out of the hut. It was a clear though cold, windy night; I looked up at the bright moon, and I prayed to Almighty God to direct me! I said to myself "I am an injured man, and the Mulligan's have defrauded me what I perilled life and liberty to obtain. That fellow, when I was starving in the Berrima Iron Gang, has often passed me without so much as giving me a shilling, when he had many pounds in his hands which were justly mine. And now, would it not be right that they should lose all they possess, as a judgment upon them for withholding his own from the poor

prisoner? Heaven guide me, and point out to me what to do!' Well, I went into the house again, and we had another glass of rum round. Now, it was a cold, windy night, so I took up the axe and said I would go out and cut a few barrow-loads of wood for the fire, if John (meaning the young man) would wheel them in. We went out and had some talk whilst I was cutting up. He said that Mulligan was an old man, that he should leave the farm at his death, and that God Almighty would soon take him away, adding, that if he did not he (John) would, mayhap, give him a helping hand. I was shocked to hear him speak in this way, knowing how near he was to his own departure out of this world; so I said 'Ah, John, you should not speak in this way, you do not know what may be in store for yourself.' At this time he had taken two loads in the barrow, and was come for the third. I had just finished my work, so I took the axe, gave it a back-handed swing against his skull, and threw it down. I threw a quantity of boughs over the body, and went back to the hut. We had another glass together, and the mother inquired for her son. I said he had offered to go into the bush to see if my horses were right. After a time she began to wonder that John did not come back, and to be very fidgetty. This bothered me. She also mentioned a dream she had the night before. She thought she had an infant child, and that she had seen this child horribly mangled and covered with blood. I hated this old woman, for she used to toss cups and balls, and could foretell things. Well, nothing would satisfy her but she must go to the door and cooey. She cooeyed for John, but no John came; and at last she would not even drink. Then old Mulligan said 'Perhaps the lad is lost in the bush,' and took his gun outside to fire for the purpose of directing him as to the position of the hut. It

did not suit me to have neighbours drawn to the house, so I said to Mulligan, 'You had better not fire, people will come, perhaps the police; and if we are to deal, it won't answer that the dray should be seen here.' 'Truth, lad, that's a right thought of you,' he answered, and instead of firing folded his arms, holding the gun with the muzzle pointing up. Well, there was no quieting the old woman, and I had my eye upon her inside, at the same time that I was standing by Mulligan outside. I saw her take out a large knife, and conceal it on her clothes, and then give it to the little girl. There was no time to be lost. I had left the axe on the ground when I had cut the wood, but my own, with which I had had such good luck with the other four, was in the dray; but then, how to get it without showing my intent? But I never was at a loss in the scheming line, so I pretended that a dog I had got was troublesome, and took him to tie him to the wheel of the dray; this gave me an opportunity of getting the axe, and placing it unperceived under my thick coat. By this time the old woman, who seemed bewitched, would be content with nothing short of going outside and looking for her son. She went towards the spot and began moving the boughs which covered the body. Now or never thought I. I prayed to God to help me! determined to proceed or perish in the attempt, and kept my eye upon Mulligan, who was close beside me. He turned his head—one blow and down he went. I then went towards the old woman; she was in the act of returning, having found her son's body; but, playing the cunning, she said "Lord! what brings the police here? there are three of them getting over the fence." I was not to be gulled that way, so I gave her my foot, which staggered her and then brought her down. None now remained but the little girl; the poor little thing had

never done any injury, and I was really sorry for her. I went into the hut where she remained, and I said to her 'Now, my little girl, I will do for you what I would not for the others, for you're a good girl; you shall have ten minutes to say your prayers.'"

"Here," said the magistrate, "Lynch paused, as if he had a difficulty in going on. I suppose it might have been a feeling of remorse, and I could easily imagine that the scene of the child begging for life must have been a most pitiable one. I therefore ended the pause by saying—'In short, you killed her, and with the axe?' He said 'I did,' upon which I bid him proceed."

"I now," he proceeded, "began to consult with myself as to the best mode of disposing of the bodies. If I buried them in a frequented neighbourhood like that, it was likely that the graves would be discovered. There were plenty of wombat holes near at hand, but it would be troublesome to carry all the bodies, and the native dogs might pull them partly out. I felt an aversion to the thought of burning the bodies of my fellow-creatures—*it seemed such inhumanity*; but then I considered that the poor things could feel nothing, and that it was little odds to them whether they were burned or buried. I therefore put them on a heap of logs close to the house, where the Mulligans had been burning off a piece for potatoes. When the fire was well made up I was surprised to see how the bodies burned. They flared up as if they were so many bags filled with fat. It was an awful thing to stand alone in the dead of night and see the four bodies burning to ashes. By morning there was nothing left but a heap, like of slacked lime; I took it up in my hand and buried it in another part of the paddock. I may have left, perhaps, some ends of bones behind. I then burned the

greater part of the Mulligan's clothes, and made such alterations to the house as I judged necessary—for I had still a difficult card to play, and must satisfy the neighbourhood that I had become rightfully possessed of the farm, horses and cattle. (At the trial for Londrigan's murder, Lynch applied to the judge, Sir J. Dowling, to have these horses and cattle sold to defray the expenses of counsel; but the application was refused).

“The first thing I did was to go to Gray's inn, and ask to see him. On his coming out I inquired of him, with seeming concern, what sort of a man Mulligan was in his dealings. I knew his answer would be an inquiry why I asked. I said that I had just come from Sydney, where I had met Mulligan and concluded a bargain with him, but that he had failed to deliver the cattle as he had promised. Knowing by Mulligan's papers the persons to whom he probably owed money, I took care to go to them and make similar inquiries. Some of them seemed to look down upon me as a kind of flat, and that Mulligan had taken me in. I acknowledged that I had lent him a valuable mare which had cost me eighty guineas, and pretended to look very blank when it was hinted that perhaps I might never see my mare again. Some thought that the whole thing was made up between Mulligan and his landlord, Smith, for some fraudulent purpose of their own.

“I then went to Sydney, called at the *Gazette* office and pretending to be Mulligan, paid for an advertisement in his name, to the effect that his wife having absconded from her home, he would not be answerable for her debts. I then wrote several letters in his name to persons in the neighbourhood of his farm, being chiefly arrangements about money matters, for I had collected enough of his affairs to be able

to word them in a suitable manner. When I returned to Wombat Brush all these things were told to me as so much news, and I appeared to be a victim. I afterwards wrote a letter to myself, in Mulligan's name, as from Illawarra, and employed a man to put it for me in the Campbelltown post office, and this I shewed about. The stupid fellow, however, not knowing my meaning, put it in Liverpool instead, and thus the postmark," he added smiling, "enabled you, Sir, to detect the trick after I was apprehended. But it answered well with the neighbours. A man on the next farm, who at first troubled me with a great many awkward questions, was at length so satisfied that all was right, that he wanted me to marry his daughter.

"I have mentioned these things all at once to account for my being allowed to enter, without dispute, into possession of Mulligan's property. I succeeded in throwing dust into everybody's eyes. Even the officer of the mounted police and his three troopers, who called at the hut a few days after the murder, went away quite satisfied. But before I took all these steps I went down to Appin, with a light cart and two of Bawtree's horses, to fetch up Barnet and his wife, who had been fellow-servants with me at McEvoy's there. I had promised, when I parted with them, if I met a situation they would like, I would let them know. I accordingly described to them the Mulligan family, and hired them in Mulligan's name. I left them the cart and one horse to bring them up. I selected them because they were immigrants, and simple people. They would believe anything you told them. I had no difficulty, therefore, in accounting to them for the absence of the Mulligan family. I told them that Mulligan and his wife had had a row, and that he had turned her out, and that he had been obliged to go to the Five Islands and hide,

on account of a horse found in his possession which was all wrong.

"I was now comfortably settled, made improvements on the farm, determined to clear and fence an additional paddock, and intended to live honestly and do everything fair and square; but I was obliged to go down the country to settle things with Smith, the landlord. He was a knowing shaver, but I was at least as deep as he, so we arranged matters to the satisfaction of us both.

"Returning home on one occasion from Sydney, on the 18th February last, I encamped on the north side of Razor Back. In the morning, while on the point of starting, I was met and accosted by a strange man, who seemed very free and open in his conversation, and said that he wanted to get out of the way, and that it might not be known where he was going. 'Why,' I said, 'you do not look like a bushranger.' 'No,' said he, 'I'm an immigrant from Ireland, and have just quarrelled with my wife, and have sworn never to live with her again.' I wanted a man to help to put up some fencing. Now this was a strong-built man, and had the look of a good man for working, and being simple enough to all appearance, seemed just the fellow to suit me. I spoke him fair, and after some more talk, I hired him for six months for £15. This was Kerus Londrigan, the man on whose account I am about to suffer. At the time I speak I had not the most distant intention of doing him an injury. We proceeded together towards Berrima. I gathered more from him on the way; he said that he and his wife had earned together as much as £8 per week, up the country, during the last harvest. On my saying that it was a large sum, he said that he could work against any man, and his wife was accustomed to work too. She used to bind the sheaves for him; on his

parting with her he had stuck to the money. I said 'Is she your lawful wife?' He replied 'Yes.' 'And can you,' said I, 'defraud your own lawful wife of the money she has hardly earned by the sweat of her brow? I would myself take a musket and rob upon the highway, sooner than be guilty of such cruelty.' I tried to persuade him to give her some of his money, but he was obstinate. When we passed Bolland's, where his wife was staying, I saw her, while he hid himself under some clothes in my cart. I then again tried to persuade him to give his wife her own proper share, since he had parted from her, as he declared, for ever. But he had no feeling for her, and my heart began to turn against him, and to feel a hatred of him as a selfish and hard-hearted man. When we got to Cripps' he hid himself again; and on my asking all about it, as we got on the road, he gave me an account of his having accused Mr. Cripps, before the magistrate, of stealing a bundle he had left at the house. From his account I perceived he was a kind of lawyer, and fond of Court. Besides, on getting better acquainted with him, I found he was by no means simple, as I at first supposed; but had a great deal of cunning about him. I was sorry that I had hired him, and would have got rid of him at once; but, as ill-luck would have it, having nothing about me but orders, which I could not get cashed at Stone-quarry, I had borrowed a one-pound note from him. Towards sundown, two men with bundles joined us on this side of Nattie Bridge, and expressed their intention of camping with us for the night. But this did not suit me, so that I spoke roughly to them, on which they were offended and went on. We encamped (Londrigan and I) on the spot well-known to you, sir, and then I began to think what I should do; I was greatly agitated and could not close my eyes, while the other

fellow slept like a pig. What was I to do? If I took this fellow with his law to the farm with me, it would certainly be my ruin; for, after using his wife as he had done, he would not stop at informing against me. Even if I got money in Berrima (which I could do), and paid him his £2, telling him at the same time to be off, he would have me up to court for a breach of agreement, and then the magistrate might ask questions. We had been seen together by so many people on the road that there would be great risk in killing him; but everything considered, it seemed the safest and best plan after all. He deserved it for his ill-usage of his wife, and he had some money in his pocket, although it was not for his money that I killed him. I passed the night thinking over these thoughts; and on the next morning, after having put to the horse, I set my eyes upon him. He was a powerful-made man, I—small as you see I am; and he had boasted to me that since he was fifteen or sixteen years old he had never met a man that could throw him. Well! my man, thought I, I fancy I shall be able to settle you, notwithstanding your fine limbs. He had just set down the tomahawk, with which he had been cutting up a little wood to make a fire. I took it up without his perceiving me, thinking 'Now I must mind what I am about; for if I do not hit him fair, and he tackles me, I shall be done.' He sat astride on the long log on which our fire was, smoking his pipe, thinking of nothing; his head was a little turned from me; I gave him one blow, and he fell, and then another when he was down, but the first settled him. I then hid the body under some bushes, where it was found next day, stripping off all the clothes to the shirt, and hiding them. I intended to have returned as soon as I conveniently could, and bury the body; but my time was come, and I can see the hand of

God in my detection—for I well remember taking off the belt (the discovery of which in my house was the strongest thing against me at the trial) and throwing it into a small hole of water; but afterwards perceiving the end of it above the water, and fearing to leave it there, I pitched it into the cart, and never thought of it since. This was Sunday: I returned home; and on the Tuesday I was apprehended by your orders. You know, sir, how by degrees everything then came out."

It is questionable if there has ever been placed on record a confession of bloody deeds more horrible in its calm devilishness than this. "It will not surprise the reader to be informed," says Judge Therry, "that this wretched criminal died with the same reckless indifference about his own life with which he had taken the lives of others."

BLACKSTONE'S CASE.

A less horrible record of individual pursuit of crime, apparently from sheer love of it, is that of the case of a convict named Blackstone, although the impulse towards wrong-doing in that case appears to have been quite as strong as that which moved Lynch to his terrible deeds of blood. Blackstone was transported to the colony for burglary—then a capital offence, but in his case the sentence was commuted to transportation for life. Soon after his arrival he planned the Bank robbery in Sydney, for which he, being a blacksmith, manufactured the jemmies, crowbars, and other instruments used in making the tunnel underground. The robbery remained undetected for years, but Blackstone having been convicted of another burglary shortly after its perpetration and transported therefor to Norfolk Island, he, after having been there for about eighteen months, intimated to the

authorities that if released from his sentence he would tell all about the bank robbery. He was accordingly admitted as informer, and upon his evidence his former confederates were convicted and sentenced to death, but the sentence was not carried out, it being decided that the evidence of an approver, himself a convicted felon, was not legally admissible. Blackstone was to receive £100, a free pardon, and a passage to England as a reward for bringing this extraordinary burglary to light, but the burglar passion was so strong upon him that a week previous to the sailing of the vessel in which his passage had been secured he was again detected in a burglary at a store, and for the third time was sentenced to transportation for life.

MISCELLANEOUS.

These are but a few of the more remarkable histories which are interwoven with the early history of the colony, and they will serve to shew how fruitful of evil in its worst form was the system of transportation and its penal attachments to the Antipodes. The following brief reference to cases, culled hap-hazard from the criminal records, will be sufficient to indicate that some of the old leaven was working for fully a quarter of a century after the system was abolished:—

In 1801 a great fraud was perpetrated in the official books and records by convict clerks who had access thereto. They manipulated the books containing the names and sentences of prisoners, and when the frauds were discovered it was seen that the periods of transportation in no fewer than two hundred cases had been altered to make them appear less; and it was stated that the forgers received £10 to £12 from each prisoner in consideration for the accommodating work.

At the Criminal Sessions in 1822 no less than thirty-four prisoners were sentenced to death, the offence for which they were condemned being principally bushranging.

In 1827, the "Naval Officer," as the person who acted as Collector of Customs was then called, was found to be a defaulter to the tune of nearly £14,000.

In September, 1828, the Bank of Australia, in George-street, Sydney, was robbed of £750 in British silver, 2,030 dollars, £14,500 worth of notes, and a large number of bills. The robbers got into the bank by excavating from a house across the street. This was the offence of which Blackstone made confession.

In 1834, two women, Sarah Macgregor and Mary Maloney, cruelly murdered their master, Captain Waldron, to whom they were assigned at Illawarra. They were tried and convicted, but were respited until the pleasure of His Majesty was made known, when their sentences were commuted to three years' imprisonment.

In the same year two lads named Lovett and Anderson were returning from the races near Mount Rennie, when they discovered the body of a man named James Hamilton. The man had been strangled and his bowels ripped open. A convict named Kilmartin was afterwards executed for the crime.

In 1839 a surgeon in Sydney was fined £50 for illegal dissection.

In April, 1854, Dr. Alexander Cuthill, a well-known and popular medical practitioner in Sydney, was shot by a lunatic named Gray while returning in his gig to town from Cook's River. He died from the effects of the wound on the first of the following month. Gray was tried and condemned to death, but his sentence was afterwards commuted to

fifteen years imprisonment, the first three in irons. Dr. Cuthill left a legacy of £10,000 to the Children's Destitute Asylum, in Sydney, and the bulk of the money was expended in the erection of the Asylum at Randwick.

A notorious criminal named "Captain" Neville, who was undergoing a sentence of 32 years' penal servitude, headed the first outbreak of prisoners at Williamstown (Vic.) in 1856. During the outbreak he killed a boatman named Owens by striking him on the head with a hammer. For this he was sentenced to death in Melbourne in November, 1856, but the sentence was commuted, and he strangled himself in gaol.

George Williams and Frank Britten were tried by special commission at Darlinghurst for robbery of the Bathurst mail in November 1862. On this occasion Arundel Everett was robbed of £6 and Owen Malone of over £900, the property of the Bank of New South Wales. The men were sentenced to 15 years' hard labour, the first year in irons.

In February, 1863, an attempt was made to rob the western escort between Big and Little Hartley, by a party of five or six armed men. They fired upon the coach as it reached a blockade of logs which had been thrown across the road, shooting one of the horses dead and slightly wounded Sergeant McClure. The attempt was not successful, however, and the escort proceeded on its way after being detained on the road for about half an hour.

A ticket-of-leave man named William Munday, *alias* Collins, in 1868, committed five brutal murders at Conroy's Gap, 16 miles from Yass. He got up in the night and killed with an axe a shepherd, who was sleeping in the hut with him. A man named Smith, who was sleeping in a room on

the opposite side of the hut, hearing the noise, got up, but Munday quickly killed him with a pair of shears. Mr. and Mrs. Conroy also heard the noise of the struggle and ran into the room, and they also fell before the stroke of the shears. Next morning a shepherd named White, who slept in a detached hut, came over to Conroy's house, but he was met by Munday, who disabled him with the shears and then struck him down with the axe. The murderer afterwards confessed that he intended also murdering Conroy's son, but he was absent that night and thus escaped. The reason assigned by Munday for the murders was that he was badly treated whilst in Conroy's employ as a shepherd. He was tried at Goulburn and executed.

And here this long chapter of dark and bloody deeds must close.

CHAPTER XXI.—THE LASH.

HOLT'S STORY—SIR HENRY HAYES—THE SNAKES OF VAUCLUSE—A HORRIBLE SIGHT—GOVERNOR BOURKE'S REGULATIONS RE FLOGGING—PROTESTS BY MAGISTRATES AND MASTERS—A FEW RETURNS—RECORDS FROM BATHURST—THE "CAT" DESCRIBED.

NO better idea of what a flogging meant in the early days can be given than is conveyed in the description furnished by Holt. Here is his story:—

"We marched to Toongabbe, where all the government transports were kept, who were called out to witness the punishment of the prisoners. One man, Maurice Fitzgerald, was sentenced to receive three hundred lashes, and the method of punishment was such as to make it most effectual. The unfortunate man had his arms extended round a tree, his two wrists tied with cords, and his breast pressed closely to the tree, so that flinching from the blow was out of the

question, for it was impossible for him to stir. Father Harold was ordered to put his hand against the tree by the hands of the prisoner, and the two men were appointed to flog, namely, Richard Rice, a left-handed man, and John Johnston, from Sydney, who was right-handed. They stood on each side of Fitzgerald; and I never saw two threshers in a barn move their flails with more regularity than these two man-killers did, unmoved by pity, and rather enjoying their employment than otherwise. The very first blows made the blood spout from Fitzgerald's shoulders; and I felt so disgusted and horrified that I turned my face away from the cruel sight. One of the constables employed to carry into effect this tremendous punishment, came up to me and desired me 'to look on, at my peril.' I frowned at the monster with disdain, and told him I would demolish him if he attempted to interfere with me. Mr. Smith then advanced and asked the fellows who had gathered about me what authority they had to take any notice of me; upon which they walked off. I could only compare these wretches to a pack of hounds at the death of a hare, or tigers who torment their victims before they put them to death; and yet these fellows, I venture to assert, were arrant cowards; for cowardice is always equal to cruelty—fellows who dare not face a brave foe, but would cut a submissive captive to mince-meat.

"I have witnessed many horrible scenes, but this was the most appalling sight I have ever seen. The day was windy, and I protest, that although I was at least fifteen yards to leeward from the sufferers, the blood, skin and flesh blew in my face as the executioners shook it off from their cats. Fitzgerald received his whole three hundred lashes, during which Doctor Mason used to go up to him occasionally

to feel his pulse, it being contrary to law to flog a man beyond fifty lashes without having a doctor present. I never shall forget this humane doctor as he smiled and said 'Go on ; this man will tire you both before he fails.' During the time Fitzgerald was receiving the punishment, he never uttered a groan ; the only words he said were 'Flog me fair ! do not strike me on the neck.' When it was over two constables took him by the arms to help him into the cart. He said to them 'Let my arms go,' and struck each of them in the pit of the stomach with his elbows, and knocked them both down ; he then stepped into the cart unassisted, as if he had not received a blow. The doctor remarked, 'That man has strength enough to bear two hundred more.'

"The next prisoner who was tied up was Paddy Galvin, a young lad about twenty years of age ; he was also sentenced to receive three hundred lashes. The first hundred were given on his shoulders, and he was cut to the bone between the shoulder blades, which were both bare. The doctor then directed the next hundred to be inflicted lower down, which reduced his flesh to such a jelly that the doctor ordered him to have the remaining hundred on the calves of his legs. During the whole time Galvin never even whimpered or flinched, if, indeed, it had been possible for him to have done so. He was asked 'where the pikes were hid ;' Galvin answered that he did not know, and that if he did, he would not tell. 'You may hang me,' said he, 'if you like ; but you shall have no music out of my mouth to make others dance upon nothing.' He was put into the cart and sent to the hospital. Three other men then received each one hundred lashes, and they sang out lustily, from first to last. They were all from the County of Cork, and lived near Sir Henry Browne Hayes's."

The Sir Henry Hayes here referred to lived at Vacluse, near the entrance of Sydney Harbour, subsequently the residence of the late Mr. W. C. Wentworth. He held the office of Sheriff in the city of Cork, and was tried in 1801 for the abduction of Miss Pike, a wealthy Quaker lady. His sentence was death, but it was afterwards commuted to transportation for life, and hence his appearance in the colony. The case created a great sensation at the time, in consequence of the high station in life of the parties. For a long time after the commission of the crime Sir Henry evaded capture, and a large reward was offered for his apprehension. Grown weary of hiding he one day entered the shop of a hairdresser in Cork, named Coghlan, and said that as it was his intention to surrender himself, Coghlan might get the reward by giving him up. In 1812 he left the colony for Ireland, having received a pardon. Referring to his case, Bennett says :—"There is a singular story current respecting him which is implicitly believed by the more ignorant part of the old colonists to the effect that finding his place at Vacluse much infested with snakes, and firmly believing that these reptiles could not exist in Irish soil, he sent home for several casks of that article, which he scattered over the place. His faith in his native land and its patron saint was amply rewarded, for, says the story, a snake has never been seen at Vacluse, from that time to this !"

But to come back to the subject of floggings. In every convict centre—every ship, gaol, barracks, road or mountain stockade, settlement or station—wherever human backs offered scope, the lash was freely plied. Whether the floggings were severe or not depended in great measure upon the temper and disposition of the scourger, and upon the means of bribing him to "put it on light," possessed by the

individual upon whom he had to operate. A novelist of the school most given to blood-curdling details of crime in its very worst aspects, could not wish for a better field for research, sensational and thrilling incidents being his object, than the earlier chapters of Australian history. And he need not travel beyond the court-yards in the chief centres in his search for sanguinary material; for here, in the olden time, horrors indescribable furnished the food of those who were compelled to attend them. Let me give one story which has already appeared in print. It is told by the eye-witness of the scenes described, and one of the chief convict settlements in the interior furnished them, he being at the time on a visit to the court. On his way thither he had to pass the triangles, which had been in use that day; and he says:—"I saw a man walk across the yard with the blood that had run from his lacerated flesh squashing out of his shoes at every step he took. A dog was licking the blood off the triangles, and the ants were carrying away great pieces of human flesh that the lash had scattered about the ground. The scourger's foot had worn a deep hole in the ground by the violence with which he whirled himself round on it to strike the quivering and wealed back, out of which stuck the sinews, white, ragged, and swollen. The infliction was 100 lashes, at about half-minute time, so as to extend the punishment through nearly an hour. The day was hot enough to overcome a man merely standing that length of time in the sun, and this was going on in the full blaze of it. However, they had a pair of scourgers who gave each other spell and spell about, and they were bespattered with blood like a couple of butchers."

Whatever else the magistrates and masters and overseers omitted, they were most active in ordering and applying the

lash. The whistle of the cat's tails through the air made their music, and their sleep would have been uneasy had their ears not heard the sound of the victim's cries at some period of the day. The flogging period was at its worst when Governor Bourke arrived, and he at once set to work to curb the blood-thirsty propensities of the class most given to the use of the lash. An Act was passed for restraining magistrates from ordering more than 50 lashes to their convict servants; but the humane Governor's attempts to assuage suffering and preserve a measure of justice met with stout resistance from the men who for many years had exercised full sway. In 1834 a number of land-owners and magistrates in the Hunter River and other districts petitioned the King, over the head of Governor Bourke, on the subject of punishments awarded and inflicted upon offending convicts, complaining that the Governor had passed new regulations restricting the number of lashes, and modifying the character of the "cat," to the injury of the masters and the encouragement of disobedience in the convicts.

His Excellency replied to this in a strong despatch, and furnished statistics from Police Magistrates and others who witnessed the floggings, in proof of his contention that 50 lashes were sometimes too many to give to offenders, much more 100. Here are a few of the returns furnished to his Excellency :—

" John Green, absconding, 50 lashes. Appeared to suffer much, bled freely, and fainted after punishment.

" William Truelove, neglect of duty, 50 lashes. Bled greatly and appeared faint and exhausted.

" Calvin Sampson, stealing, 50 lashes. Blood flowed at the 4th; the convict cried out at the 18th and continued crying for succeeding lashes; his skin was terribly torn and

blood flowed during the whole of the punishment. This man groaned much and prayed while suffering punishment; and afterwards declared that he would never come again. I am of opinion that he was sufficiently punished at the 25th lash.

"Daniel Alone, neglecting duty, 50 lashes. Cried loudly at the second and repeated his cries at every lash; at the 12th blood flowed largely, and the prisoner seemed to suffer intense agony. I am of opinion that this man was sufficiently punished at the 25th lash.

"John Denning, neglect of duty, 25 lashes. Cried out at the first lash and continued crying loudly. At the 6th the flesh was lacerated considerably, blood was drawn but did not flow. It is my decided opinion he was sufficiently punished, and that the number of lashes this man suffered had as much effect as 100 lashes would have had.

"William Robinson, drunk and making away with part of his dress, 50 lashes. He cried out at every lash; the skin was lacerated at the 12th; the blood appeared at the 20th; the man suffered intense agony. Twenty lashes would have been an ample warning to him.

"David Hennan, stolen property in possession, 50 lashes. Had been flogged 12 months before; he flinched much, but neither cried nor spoke.

"William Smith, insolent, &c., 50 lashes. This man was flogged two years ago; he flinched much throughout the punishment; the skin was lacerated and the blood appeared at the 24th lash; he seemed to suffer great pain, evinced by his suppressed groans; blood ran at the 45th lash; he cried out "domino!" when finished.

And so on through a list of nearly 200, the magistrate in whose presence the floggings were given attesting the record. Among the scourged were a number of boys, and this is the

record concerning one of them :—"Edward Scandrake, feigning sickness, 25 lashes. He received 50 lashes last Monday week, but was never flogged before ; his breech was sore from the last punishment ; blood came at the first stroke ; he screamed dreadfully at every lash, blood streaming from the old wounds ; complained bitterly of the treatment at Carter's Barrack's (Mudie's place) and wished someone would examine into it ; indeed, all the Carter's boys make the same complaint."

Among others came the following return from Bathurst :

"Police Office, Bathurst, October 3rd, 1833

"Sir,—With reference to your letter of 29th August, on the subject of corporal punishments by order of the court of petty sessions, wherein I am directed to superintend the punishments for the month of the September, and to report thereon, I do myself the honour to transmit the monthly return, with my remarks made at the time, from personal observation ; and in accordance with the latter part of your communication, beg to add, that the standard instrument (which was used in every case) in size and weight, when applied with sufficient force would be perfectly adequate to the purposes required, if a little more attention was paid to the manufacture thereof. I have noticed that the extremities of the cord speedily become loose and open, from the very slight manner in which they have been secured ; this ought to be remedied, and the cord generally twisted tighter, otherwise the amount of bodily injury inflicted by bruising will be greater than intended, and that by laceration less. It does not appear to me that effusion of blood is a certain criterion whereby to determine the extent of bodily injury

endured from scourging. The mode of counting and taking due time between each lash has always been practised here.

“I have the honor, &c.

THOMAS EVERNDEN, J.P.

“Superintendent of Police.

“The Hon. The Colonial Secretary.”

“Return of corporal punishment inflicted by order of the Court of Petty Sessions at Bathurst, from 1st to 30th September, 1833, inclusively in the presence of Thomas Evernden, Esq., J.P., Superintendent of Police.

“1. John Murphy, ship *Hercules*, destroying his master's property, 50 lashes. Circular not received at this date.

“2. William Powell, Lady Harewood, absent without leave, 50 lashes. Ditto, ditto.

“3. James White, Albion, insubordination and absent without leave, 50 lashes. Much bruised, laceration and bleeding.

“4. John Mahoney, Jane, making away with his slops, 25 lashes. Bruised and laceration, but no bleeding.

“5. John Thacker, Surry, neglect of duty, 50 lashes. Bruised, lacerated and blood drawn.

“6. Christopher Jennings, Captain Cook, disobedience of orders, 25 lashes. Ditto, ditto.

“7. George Westwood, Malabar, drunkenness and riotous conduct, 50 lashes. Ditto, ditto.

“8. John Higgins, Lord Melville, drunkenness and absent without a pass, 50 lashes. Ditto, ditto.

“9. Samuel Jolly, Katherine Stewart Forbes, drunkenness and fighting, 25 lashes. Ditto, ditto.

“10. John Callaghan, Asia, absconding, 50 lashes. Ditto, ditto.

“11. John Mahoney, Jane, striking overseer and dis-

obedience of orders, 50 lashes. Ditto, ditto.

"Joseph Hughes, Georgiana, absconding, 50 lashes. Ditto, ditto.

"13. Robert Burns, Eliza, neglect of duty, 50 lashes. Ditto, ditto.

"14. William Robinson, Mary, absconding, 50 lashes. Ditto, ditto.

"15. Edward Jenkins, Burrell, drunkenness and rioting, 50 lashes. Severely bruised, laceration, but very little blood.

"16. John Major, Katherine Stewart Forbes, disobedience of orders, 50 lashes. Ditto, ditto, blood drawn.

"17. Joseph Slaughter, Katherine Stewart Forbes, disobedience of orders, 2nd offence, 75 lashes. Ditto, much lacerated, ditto.

"18. William Hopkins, Waterloo, neglect of duty, 25 lashes. Ditto, lacerated, ditto.

"19. Cornelius Sweeney, Waterloo, stealing a pair of shoes, 50 lashes. Ditto, ditto freely.

"20 Robert Burns, Eliza, neglect of duty and disobedience, 25 lashes. Bruised, ditto, ditto.

"N.B.—The above punishments were all properly inflicted."

The flogging instruments used at this time were marked with the regulation stamp. The handle was about 2 feet long ; there were five lashes of whipcord, each lash having six or seven knots ; and the whole of the magistrates and superintendents who were appealed to reported that the weapon was sufficiently heavy to do the cutting work required—one man declaring that he never superintended any flogging but what the skin was cut in the fourth blow. Yet these precious slave drivers wished for heavier strokes and more of them !

From this time forward until the break up of the convict system there was a manifest improvement; but no one can glance at the old records and remain in doubt concerning the potency of the "cat-o'-nine-tails" as an instrument of torture in the hands of the men to whom the administration of justice meant no more nor less than the infliction of heaviest punishment for slightest offences.

CHAPTER XXII.—EXECUTIONS.

A BLOODY LIST—HANGING RECORD FOR THREE YEARS—BLESSED REDUCTION—FROM 17 YEARS TO 70—THE TREE STILL STANDING.

IT is perhaps a fortunate thing that the earlier records of executions lived only in the memories of the First Fleeters. The list if preserved would have been a most bloody one, and we may be thankful that the dark curtain of forgetfulness has been drawn over the picture that was never committed to paper. The records that do stand relating to later days, are all too dark and horrible to find place here, but the totals of three of the intermediate years between the beginning and the end of the century may be given, as they will furnish some slight idea of the important part the hangman played in the administration of justice.

In 1826 there were executed in the penal colonies of Australia 53 criminals; in 1827 there were 50; and in 1828 there were 50—being an annual average of one man in every thousand of the population, which at that time did not number more than 50,000 souls. But with the cessation of transportation the average began to drop, and it is pleasing to read that during the years 1856-7-8 (the first years of responsible government) only five capital sentences were carried out in New South Wales.

The following is one black leaf which the reader who desires to know the worst may just glance over before he passes on :—

In 1815, a convict named Styles was executed at Sydney for the murder of Thomas Roberts.

In 1827, an aboriginal of the Bathurst district named Black Tommy was executed in Sydney for murder.

In 1829 John Holmes was executed in Sydney for setting fire to a barn belonging to James Bein.

In 1830 a young desperado named Tierny, aged only 17 years, was executed in Sydney. When on the scaffold he threw the executioner with himself to the ground ; the former being much bruised by the fall could scarcely be persuaded to finish his task.

A soldier of the 39th Regiment, named Brennan, was shot at Dawes' Battery, Sydney, under Court Martial sentence, on April 6th, 1832.

In May, 1834, Kilmartin, a convict, was executed in Sydney for murder. In the same year John Jenkins and Thomas Tattersdale were executed in Sydney for the murder of the famous Dr. Wardell.

From the year 1828 to 1837 the number of criminals executed in the colony was 327. Of these 65 were free, and 262 bond. The religion of the free thus disposed of is set down as : Protestants 26 ; Roman Catholics, 36 ; Pagan, 2 ; one being an aboriginal. Of the convicts executed 122 were set down as Protestants, 138 as Roman Catholics, and 2 as uncertain.

In 1839 there were executed in Sydney :—William Morris, for murder ; Joseph Saunders and Peter Scullion, for murder and robbery ; George Carey, for having stolen property in his possession ; George Gorman and Alexander

Telford, for murder; James Davis, Llewellyn Powell, James Lynch, and Charles Clipp, for murder; and Archibald Taylor, for felony.

In 1840 there were executed in Sydney:—John Hunt for murder; Thomas Whitton, for murder and arson; Enoch Bradley, for murder; Thomas Legg, for rape; William Newman and James Martin, for murder; James Mason, for being accessory to murder; and Michael Hinnigan, for murder.

In 1841 Michael Bradley was executed for murder at Newcastle; Patrick Curran, a notorious bushranger, was executed at Sydney, for the murder of an overseer; and George Stroud and Robert Hudson were executed at Berrima, for murder.

In 1842, Patrick Clearham suffered death at Berrima, as also did John Lynch, *alias* Dunleary, for the murder of Londregan. The last-named criminal confessed that he had committed eight other murders. Martin Beech and Lucretia Dunkley were also executed at Berrima, for murder, and Thomas Horner, for the same crime was executed at Newcastle.

In 1843, there were executed at Newcastle:—George Wilson, for shooting with intent; George Forrester, for murder; Melville, Harry and Therramitable (three aboriginals), for murder.

In 1844, four murderers were hanged at Port Macquarie, their names being Benjamin Harris, Mary Thornton, Joseph Vale and Benjamin Stanley. John Knatchbull was executed in Sydney for the murder of Mrs. Jameson, and Henry Atkins, for murder, at Berrima.

In 1845, John Viddal, John Abeam and James Fitz-

patrick, for murder, the two former in Sydney and the latter in Newcastle.


In 1846, William Shea suffered for murder at Newcastle.

In 1848, Patrick Ryan suffered at the same place for murder. Charles Henry Machie was executed for rape at Bathurst on November 10th of the same year.

Nearly every subsequent year furnished its victims for the gallows, and at the present day the rope and the executioner still form part of the punitive machinery of the State. Even the strongest public protests cannot secure the abolishment of capital punishment.

CHAPTER XXIII.—EMANCIPISTS.

MAKING GOOD HISTORY—CRIMINALS BECOMING MORE CRIMINAL—BAD EFFECTS OF BAD GOVERNMENT—REFORMATION PRONOUNCED HOPELESS—DISCIPLINE TENDING TO DEGRADATION—HOW FREEDOM WAS OBTAINED—FAULTY RECORDS—ASSISTING EMANCIPISTS TO SETTLE—WIPING OUT THE STAIN—POPULARITY—HUNTING GOVERNORS—REDEEMING THE PAST—BENEFITTING THE COLONY—ACQUIRING WEALTH AND POSITION—£40,000 A YEAR—HOW THEY DID IT—THE FIRST SQUATTERS—ORIGIN OF THE SYSTEM—THE STRUGGLE FOR COMMUNAL RIGHTS—FREE AND FREED IN CONFLICT—GOVERNOR MACQUARIE'S GOOD WORK—ELEVATION TO THE MAGISTERIAL BENCH—REDFERN'S CASE—EMANCIPIST ATTORNEYS—NEW CHARTER OF JUSTICE—JUDGE BENT OBJECTS—COMMISSIONER BIGGE'S REPORT—JUDGE FIELD TO THE RESCUE—A PUBLIC MEETING AND ITS RESULTS—MACQUARIE'S ADVOCACY—A SOLID PHALANK—THE OLD LINES SWEEPED AWAY—A MAN MEASURED BY HIS OWN WORTH—JUDGE THERRY'S TESTIMONY—FOOLISH BOASTING—DEATH OF THE EVIL—A THREEFOLD EMANCIPATION.

OSE convicts who obtained an absolute or conditional pardon, or who had become free by the expiration of their sentences, were termed "emancipists" or "expires." It will be remembered that when Governor

Phillip publicly addressed the convicts who came out with him in the First Fleet, shortly after the landing, he pointed out to them that their well-being in the future rested entirely with themselves—that in a new land, under new conditions, and separated by broad seas from all the old vicious associations which had surrounded them when they made the false step which led to their transportation, they would have abundant opportunity of making good history, as individuals and as a class. Similar advice was given at different times by succeeding Governors to the prisoners upon their entry into the “land of exile,” and the words of advice and encouragement thus offered did not fall upon unheeding ears, although, as the darker pages of this history testify, thousands of the criminals who heard them became more criminal, giving full play to every evil propensity of their nature, and from choice or compulsion becoming tenfold more “children of hell” in the new land than they were in the old.

Under a proper plan of treatment, such as that which would have been followed had all Governors who ruled been of the temper and disposition of that really good man, Governor Phillip, and if the authorities across the sea had received better instruction and advice from their officials here, reformation would have been a general rather than a singular thing. But if the authorities in England had the slightest idea of reforming the criminals by transporting and treating them as they were transported and treated, the experiment failed most egregiously. One gentleman of large experience when giving evidence before the Select Committee of the House of Commons in 1835, said: “Reformation, at all events, if that be one object of punishment, is on the present plan hopeless; in the existing state of things, nearly all the tendencies of the plan are the other way.” Another

gentleman said: "By transportation the prisoners are all made bad men instead of good; it is shewn by official reports that scarcely any are reformed; and human nature does not stand still—if not improved, it gets worse."

I have already shewn, in an imperfect way, how in thousands of cases "good men were made bad, and bad men worse," by the treatment to which they were subjected on the voyage out and after their arrival. The "discipline" tended directly to degradation all along the lines, whether being enforced in the ship's hold, in the convict barracks, in the chain gangs, at the penal settlements, or under the assignment system. It will be a slight relief to turn for a short time to the contemplation of whatever little good came out of this gigantic evil, although we cannot overlook the fact that that good arose, not out of the system pursued, but in spite of it.

At the expiration of the "time" to which the convicts had been sentenced, their freedom was obtained and they were at liberty either to return to England or to settle in the colony. This was the regulation, but it was not always carried out, the official records being so faulty in some cases that doubts concerning the time at which the sentence expired could not be settled until word could be received from the Home office. But a delay of a year, or even two, did not trouble the Colonial authorities much, whatever trouble it may have brought to the individual most concerned. If the liberated convict elected to remain in the colony he received a grant of land—40 acres if unmarried, and if married a portion for his wife and each child. Tools and stock from the Government stores were also loaned to him, and victuals for eighteen months. How many substantial "inheritances" have been built up in this way it would be difficult to say; but if the

men who obtained their freedom did not succeed in making themselves comfortable and wiping out the stain of previous wrong-doing the fault was all their own, especially those of them who lived in Governor Macquarie's time, when every assistance was afforded them to rise in the social scale.

The advantages given to men who served their sentences were also extended to those who were pardoned or emancipated by the Governor. The Governor possessed the power, as we have already seen, of granting absolute or conditional pardon, and not a few favours were bestowed on individuals to whom favour ought not to have been shewn. In some years as many as 150 pardons were granted to convicts immediately on their landing, without reference to their characters or merits. A popularity-hunting Governor possessed splendid opportunities of bagging the game he sought.

Many convicts—and especially those who had been transported for trifling offences—as soon as they became free by servitude or received a pardon, at once set about the work of building up good reputations, a task which many of them accomplished so successfully that in after years they were found the honoured heads of respectable families, living lives of uprightness, honesty and purity, patterns of goodness to many of their fellows who made a boast of their virtues and claimed superiority by reason of their having had a better birthright and having come to the colony at their own free will. The colony owes a great deal to the thrift and industry, the perseverance and unselfishness and public spirit of these men and their descendants, who, spite of sneers and insults and injury from the “pure merinos,” steadily worked their way upwards until they had redeemed the past and won for

themselves places of honour which many of their fellows more favorably circumstanced had failed to reach.

But wealth could not then be taken as an evidence of virtue any more than it can now. Among the emancipists, as early as 1835, were to be found some individuals who had attained to great wealth. One is said to have made as much as £40,000 a year. The emancipists who acquired wealth thus early generally commenced their career by keeping public houses, then lending money on mortgage, then obtaining landed property and large herds, the latter consisting for the most part of stolen cattle which they had purchased. As a case in point Dr. Lang mentions that of an individual whose yearly income was something enormous. He had been transported about the end of the last century for stealing geese on the commons of Yorkshire. He began his career as a prisoner in the employment of Government, building the gaol at Parramatta. At that time rum was allowed to convicts, but he was a temperate man, and sold his ration of spirits, thus accumulating some money. When he became free he was able to set up a public house and keep a horse and gig—the height of respectability in those days. On one occasion a female emancipist, who also had amassed money, engaged him to drive her to Parramatta from Sydney, and this led to an acquaintance which resulted in marriage, and the united property of the united pair became something very large. At the period referred to there was no regular market in Sydney. The farmers brought their loads of wheat and other produce to the town, and made exchanges with persons who paid them partly in money and partly in commodities that they required. The farmers were chiefly emancipists, who had obtained grants of land near Windsor, and who were as a body an ignorant

and dissolute lot. They mostly frequented the house of the emancipist mentioned, where they would remain drunk for days, unconscious of what they had spent or given away. When recovered from their "bout" they were frequently charged by their host a sum far exceeding their means of payment. Credit was always given, however, on condition that the debtor would sign a warrant of attorney, a stock of which warrants, ready filled up, was kept on hand. These instruments were drawn up by convicts, for in those days amongst that class only could be found persons qualified to perform the duties of the legal profession. When the farmers were once in the spider's nest, the rest was easy. They were obliged to visit him always and deal with him, and when their debt had sufficiently increased he dispossessed them of their estates, and by this means at one time held a great proportion of the cultivated land in the yet young colony. And this man was but the type of many, whose biggest stock-in-trade were the rum-cask and the pocket-screw. The greater portion of the emancipist class, however, in earlier years, were labourers and small shopkeepers. If they were industrious they had every opportunity of making an honest living; but the majority retained their habits of profligacy and became even more worthless and dissipated than they were as Government servants or assignees. They were the cattle-stealers, the receivers of stolen goods, the keepers of sly-grog shops, and the "squatters" of the early days—for the term "squatter" had a different meaning then.

It was Governor Macquarie who originated the emancipist party. He acted on the principle that the colony was founded for the sake of convicts, and not for emigrants, and endeavoured, therefore, to introduce the wealthier emancipists into the society of his officers, clergy and other "respectable"

inhabitants of the colony, even going so far as to make magistrates of some of them. And, let the truth be known, many of them were better qualified to be magistrates, better qualified to be clergy (if morals count many points in the qualification), and better entitled to the term "respectable" than some of those then occupying such positions, and who turned up their eyes in holy horror at Governor Macquarie's action. The party was a strong one, numbering in 1834 between 15,000 and 16,000, while the free population did not much exceed 21,000; and of the latter number a considerable portion were probably connected, either by parentage or marriage, with persons who had been prisoners of the Crown.

It is almost impossible to give a connected story of the struggle in which the emancipists were compelled to engage to secure a recognition of their legal rights and civil status. During the decade 1810-1820 a fierce battle raged between the settlers and military attachments or offshoots, on the one hand, and the *freed* convicts—the emancipists—on the other, and if the latter had been one thousandth part as vile as they were made out to be by the former, there would have been left on record an account of a battle between two contending forces in which arguments had been pointed with steel, or clinched by powder and shot. It was fortunate, indeed, for the free settlers that the men upon whom they looked with eyes so full of scorn and upon whom they heaped so many insults were subject to reason rather than passion; otherwise there had been much violence and bloodshed.

Governor Macquarie, from the first year of his arrival (1809) appears to have set himself to the task of repressing the influx of free settlers and encouraging the emancipists, his desire being to raise up from among this latter class, whose numbers were ever increasing, a powerful army of

friends. He could not forget how his predecessor had been deposed by a few wealthy military-*cum*-civil colonists, and knew perfectly well that he could only rely upon their friendship while he sliced the public cake amongst them; hence, he turned to the other class, and erred on the other side by giving many of them favours which they did not deserve, and which in many cases wrought evil instead of good. It had been the practice of former governors to give grants of land to those only of the freed persons whose characters were good, but he is said to have bestowed farms upon all whose sentences had expired, without discrimination; and many of these men soon got rid of the land thus given, exchanging it for a few quartz of rum to their more "canny" neighbours. Others, however, made good use of their opportunities, and by patient industry and perseverance, continued to add to their possessions, quietly won the favour and respect of those by whom they were surrounded, and prepared themselves for discharging all the obligations of good citizenship. These men found in Macquarie a good and powerful friend. He fought for them and showed them how to fight—on the land, in the market, in the Court, and even at the seat of Government across the sea.

One of the most pronounced and effective blows which Macquarie made at the wealthy free colonists and their military friends was the elevation of emancipated convicts of moderate ability and good character to the magisterial bench. The first emancipist raised by him to this position was Andrew Thompson, who died shortly after his appointment. It will be remembered that it was in answer to an objection to this man's elevation that Macquarie made the cutting remark that there were only two classes in the colony for him to choose from when looking for possible magistrates—these

who had been transported and those who ought to have been.

The breach between the wealthy free settlers and the emancipists was made still wider by Macquarie making a second appointment of the same kind, although the act was not by any means an ill-advised one, the emancipist raised to the magistracy on that occasion being Mr. Redfern, a surgeon, whose character was of the highest. But he had been a convict. He had been transported when quite a youth, for having shewn sympathy with the seamen at the mutiny of the *Nore*, he being at the time assistant-surgeon in one of the ships of the fleet. He was a young man of spirit and spoke out about the wrongs of the seamen. His utterances were "reported" to his superiors, who accused him of complicity with the mutineers. He was placed upon his trial, found guilty, and sentenced to death; but that sentence was afterwards commuted to transportation for life, and shortly after he reached Sydney he commenced the practice of his profession. Though a convict he was a gentleman still, and after his emancipation he lived as a power for good in a community where goodness was a somewhat scarce commodity. It was his misfortune to be punished as an example, at a time of great national excitement, for an offence which under ordinary circumstances would scarcely have been noticed at all. But when Macquarie appointed him to the magistracy, the "Pure Merinoes" who occupied the seats of honour were like to burst with the swelling of offended dignity. They could not gainsay Redfern's ability; they could not question his honesty; they could not deny that in conduct he had been all that a gentleman ought to be; but he had been forced for a time to mix with "scabby" sheep—he was an emancipist, and their stainless garments must not be soiled by contact with such as he! Redfern served as

a magistrate, nevertheless, and if any damage resulted from the commingling of the pure with the impure, it all fell upon him.

The better disposed and more intelligent members of the emancipist class, when they found that they had each a strong partizan in the Governor, began to claim privileges which had hitherto been denied to them as a body. Whatever they may have been, they were now free men, and they determined to enforce their claims to all that other free men enjoyed. Up to this time (about 1814) very few, if any, members of the legal profession had looked towards Botany Bay as a likely field for remunerative employment, and most of the legal work between contending parties had been done by emancipist attorneys—for, marvellous to relate, in those early days it was possible for even attorneys to be criminal! When the lawyers who had been transported had gained their freedom they became useful members of colonial society. The courts of Justice in the colony up to the year 1812 were those which had been established under the authority of 27 George III, at the foundation of the settlement; the members (or jury) of the court being six military officers, with a judge-advocate, or his deputy, presiding. The officers composing the court were nominated by the Governor, and the court could only assemble on his summons. The method of procedure was as follows:—The prosecutor conducted his own case and the witnesses were heard in open court. In all cases the verdict of five out of the seven members of the court was taken, the judge-advocate deliberating with the jury in secret and delivering their verdict when the doors were opened. Under such circumstances, who can wonder that there should be more military law than “even-handed justice.” In 1812, however,

a Parliamentary inquiry into the state of the colony was held, arising out of the circumstances connected with Bligh's deposition, and the complaints which were made to the British Government concerning the avarice and cruelty of the New South Wales Corps and their friends. The outcome of this inquiry was the issue of a new charter of justice which called two courts into existence, termed the Governor's Court and the Supreme Court. The first was simply a modification of the old court, and consisted of a judge-advocate and two assessors, nominees of the Governor, its jurisdiction being restricted to civil causes in which the property in dispute did not exceed £50. The Supreme Court consisted of a judge, appointed under the King's sign manual, with two magistrates as assistants or assessors, appointed by the Governor. This court had all the powers incident to a court of record, and could nominate its own officers and clerks. It possessed a three-fold jurisdiction—an ordinary, an equity, and an ecclesiastical—being empowered to administer justice in accordance with the rules and practices of the Court of Chancery in England.

The first judge of this Supreme Court was Jeffrey H. Bent, who arrived in the colony with his commission in 1814, but it was not until May, 1815, that the court was formally established, and when it was established it could not operate practically on account of Bent's antipathy to the emancipist attorneys, who, as I have said, were the only available "advocates" in the colony. When the Supreme Court was established a number of these attorneys, who had become free by servitude, claimed the right to practice in it, and Governor Macquarie supported their claim. They formally petitioned the Governor on this behalf, and when the judge was about to open the court the attorneys presented to him a

letter from the Governor strongly recommending that they should be allowed to practice in the court. But the judge pulled down the ears of his wig and refused to listen, although the two assessors (who had been appointed by the Governor) were favourable to granting the prayer of the petitioners. The judge then delivered his soul on the subject and concluded an offensive address to the court in the following words ;—

“ It is with considerable regret I have to state, that the undue steps resorted to with regard to these petitioners have in some degree prevailed, and that gentlemen have been found who have thought proper to differ from me on a point of pure professional feeling and practice, and to say that those persons, whom they confess it is a disgrace to admit to their tables or to suffer any part of their families to associate with, are fit and proper persons to be admitted to the situation of attorney in his Majesty's Supreme Court, notwithstanding gentlemen have been sent out by the Crown for that purpose. I do now solemnly declare that I will not admit as attorneys of this Court, nor administer the oaths to persons who have been transported here as felons. It is contrary to law, and no circumstances and no necessity can exist so strong, in my mind, as to induce me to do it.”

There was, undoubtedly, a good deal of “ professional feeling ” in the matter, so far as Judge Bent was concerned, and the assessors and the judge at once began to argue the point with considerable heat, the result being that the court adjourned *sine die* before any business had been transacted. The Governor then took the matter to head quarters. He wrote to the Secretary of State for the Colonies (Earl Bathurst), and contended that Judge Bent's action was an unjustifiable interference with the policy which guided his

administration, and with the salutary measures he had initiated in the colony for the reformation of the convicts, Earl Bathurst upheld the Governor in the stand he had taken, and the high-toned judge was peremptorily told to vacate his position and recross the seas. In the despatch recalling him, Judge Bent had the satisfaction of hearing that his conduct had evoked "the high displeasure of his Royal Highness," and that his conduct "could admit of no justification." Thus Macquarie gained another victory on behalf of the emancipists.

Speaking of this quarrel, Commissioner Bigge, in his report on the state of the colony, remarks as follows concerning the position taken up by the emancipists:—

"I have detailed, more at length, the events to which this question has given rise, because they will enable your lordship to form a more accurate view of the manner in which it has affected the situation of the emancipated convicts, and to account for those feelings which now separate them from the free classes. Those of the former have been greatly excited. Their ambition has been encouraged by the manner in which their conduct, as well as their exertions, have been viewed and rewarded by Governor Macquarie. The same feelings have been disappointed and exasperated by the events of the late trials to which I have adverted; and no compromise is now to be expected, as long as they are left in a state of uncertain dependence upon the discretionary power of any individual for the enjoyments of the rights to which they have considered themselves entitled. Both parties look upon each other as intruders. The free settlers considering that the rank, as well as the rights, of the emancipated convicts should be always kept in subordination to their own; while the emancipated convicts look upon no

title to property to be so good or so just as that which has been derived through the several gradations of crime, conviction, service, emancipation, and grant. Both parties are equally disposed to depreciate the pretensions of each other, but I sincerely believe that the great body of the emancipated convicts do not partake of the ambition of their leaders; that they would be satisfied with protection from oppression and insults and due encouragement in their undertakings; and that they feel great indifference about their admission either to public offices, or to any other rank in society than that which their own industry and good character will justly and naturally procure for them. In the encouragement of marriage amongst the convicts, Governor Macquarie has shewn the most anxious disposition to improve their morals and condition; and in admitting them to society, if his selection does not appear to have been the most judicious, or his mode of introducing them the most successful, he has certainly had to contend with prejudices of a very powerful kind in the free population. These prejudices are now, I fear, too deeply fixed to be removed; and the ambitious feelings of the higher classes of emancipated convicts have been too long encouraged and cherished, to expect from them either submission or conciliation. Governor Macquarie has thus left to his successor the difficult, and I may even add the hopeless, task of bringing back to their proper and just standard the pretensions of two large classes of the inhabitants of New South Wales, without giving to the one party a supposed ground of triumph, and without inflicting upon the other too large a measure of vexation and disgrace."

This testimony was as near the centre point of just balance as could be expected from a man whose sympathies

were naturally with the men under whose mahogany (or cedar) he was accustomed to place his feet. There must have been some virtue in the emancipists as a class to have drawn anything but condemnation from an official who was everlastingly being button-holed and ear-wigged by their deadly foes. But truth will force its way sometimes even through channels that are half-choked by prejudice. It did so in this case.

The struggle in which the emancipists engaged, endeavouring to secure a recognition of their claims to the privileges of free citizenship, and to establish their legal rights and civil status, extended over a long period. Judge Bent was superseded by Mr. Barron Field, also an English barrister, but it was a case, as far as the emancipists were concerned, of "out of the frying-pan into the fire." He was sent to heal the wounds of the disturbed body politic; but he put his official fingers into the worst of them and made them deeper and wider and more painful. He was sent to conciliate; but he created greater disaffection. One of his first decisions after entering upon his official duties was that a defendant would be allowed to plead a plaintiff's conviction for felony many years previously in England as a bar to a civil action. This was a legal doctrine quite in keeping with the disjointed times, and amounted to this, that a man who had been convicted at any time of a felony was never thereafter to be allowed civil rights; that even after he had atoned for his offence by serving the full sentence passed upon him by law he had no right to demand common justice if any other man wronged him in his person or property or reputation—that he could not recover a debt or resist an unjust claim. It was a beautiful doctrine, but the emancipists could not see any beauty in it. By some strange

freak of nature they had come to think that having expiated their crime in suffering—the crime itself, perhaps, being very light, and the punishment very heavy—no man had any right to cast their former offences and sufferings in their teeth; and that they were entitled to equal rights and privileges with other citizens. Queer mortals were these emancipists—in Judge Field's opinion; they ought never to have been released from chains when once those chains had been rivetted. If Judge Field had taken the trouble to inquire he would have discovered that many of these emancipists were wealthy and respectable men, ordering themselves and their households in a manner which the wealthy free classes might have copied with advantage to themselves and the growing colony. He might have learned also that the majority of the trading, mechanical, agricultural and grazing sections of the community were emancipists; and that a large proportion of them were honest, sober and industrious. But he did not inquire, or if he did he shut both ears when the answer was given, and would not listen; therefore he sought to shut them out from all rights and privileges, and to condemn them to perpetual bondage and disgrace.

Then the emancipists began to work in earnest. They petitioned the Provost-Marshal to call a public meeting in order to decide on what steps should be taken to enable them to obtain relief from their legal disabilities. The meeting was held, and was conducted in a very loyal and orderly manner; and the following resolutions were adopted:—"1. That, by the humane and benevolent policy of Governor Macquarie—a policy hitherto sanctioned by the mother country—the emancipated colonists had been encouraged and protected, had created and acquired, and were now possessed of, the larger moiety of the property of the colony, and were

becoming the middle class of society therein (they might with justice have laid claim to higher station). 2. That from the establishment of the colony up to April, 1820, it had been held and acted upon, that persons arriving in the colony, under sentence of transportation, and afterwards obtaining their pardon, either by service of the term or otherwise, might acquire and possess landed and other property, and enjoy all the civil rights of free citizens. 3. That by a late determination of the Court of Queen's Bench, in England, and acted upon lately in the Courts of Civil jurisdiction in the colony, whereby it had been declared that conditional and absolute pardons granted by governors of the colonies were of no effect to the parties holding them, in restoring them to the legal enjoyment or exercise of any civil right, until their names should have been inserted in some general pardon under the great seal of England, the vital interests of the emancipated colonists had been exposed to infinite prejudice and danger, and their restoration to their rights as citizens protracted beyond the period that either justice or policy could require. 4. That this state of the law, in its consequences, also affected a very considerable part of the property of the emigrant colonist, because the titles to a considerable portion of the property possessed by the emigrant class had been derived through and from the emancipists. 5. That the meeting, taking all these things into consideration, resolves to address the Throne and Parliament by petition, humbly praying for such relief as their situation and circumstances might, in the wisdom of the Sovereign and the justice of the British Parliament, seem to merit at their hands."

The resolutions were forceful, being based upon truth and justice. Governor Macquarie espoused the cause of the

petitioners, and demanded that the Home Government should afford them justice, at the same time denouncing the characters and conduct of the free settlers who were standing between them and their rights. This is how he spoke of the latter in one despatch :—"A few free settlers had certainly honoured the country so far as to establish themselves in it; they accepted land and stock from the government; these they had taken care to increase, and by disposing of the meat at the public store, and by trafficking with the convicts and others, had become possessed of property to a large amount; but it was only lately these gentlemen had commenced cultivation; nor was the government yet indebted to them for any assistance in the supply of grain, but in so small a proportion as to be unworthy of notice." This was written in 1820, and the governor shewed that at that time the emancipists had 92,618 acres of land under cultivation, and owned 40,643 head of horned cattle and 221,079 sheep.

This strong advocacy of Governor Macquarie bore good fruit. The legal barriers between the two classes were broken and the emancipists entered upon the enjoyment of rights which other free men in the colony possessed. But the removal of the social barrier which separated the two classes was a different matter. However frequently they might be compelled to come together in public and commercial life, the wealthy free settlers and the officers and ex-officers were determined that the emancipists should not come within the circle of their private domain. But every day added to the number, wealth and strength of the emancipists; and when, a few years later, with the assistance of the free immigrants and settlers who were as sick of officialdom and a Brummagem aristocracy as the convicts were who had suffered so much at their hands, they moved together in one solid

phalanx to break down oppressive rule and bring in full freedom, they succeeded beyond their expectations.

The exciting story of the successful struggle of the emancipists to obtain popular rights and privileges must be read elsewhere. It is sufficient here to say that before the last batch of convicts who landed in the colony had completed their sentences, the earlier emancipists or their descendants were scarcely known as a distinct class ; and in later years not a few of them were found occupying chief places in the private, social, and public life of the colony, with credit to themselves and benefit to the land which called them citizens. In time the old lines which existed were swept away, and the descendants of the exclusivists vied with the descendants of the emancipists for places of honour in every department of public life, and whether success or failure attended their efforts, no man dare taunt them with having sprung from those " patriots " who were said to have " left their country for their country's good." They have occupied seats on the judicial bench ; at the bar and in the Legislature their voices have been heard ; they have done good service in the pulpit, on the press, and in the extensive field of commerce. Every door was open to them if they possessed the desire to enter ; and provided they possessed the qualifications of personal merit, and ability for the work to be done, the public did not care to ask whether their sprang from men who came out free or from men who had been transported, and to whom, in the words of Governor Macquarie, " New South Wales owed its existence as a colony." And to-day these questions are not asked, the worth of every man being measured by what he is himself, and not by what his father or his grandfather was before him. Who is there will say that any wrong has been

done by following this rule in the past, or that any wrong will result from following it in the future?

Speaking of the reformation of convicts Judge Therry says—and every word he wrote on this subject bears the impress of truth :—

“ Notwithstanding the terrors of Norfolk Island, and the dreadful exhibitions of crime in our Supreme and Criminal Courts, it is satisfactory to be enabled to testify that amongst the thousands transported to New South Wales many became reformed and really good men. This reformation was mostly observable in that class of convicts who were sent out for offences that did not partake of the character of base crime, such as burglaries, highway robberies, &c. Transported political offenders were usually a class of persons whose moral characters stood little more in need of reformation than ordinary citizens at home. Muir and Palmer—names Scotland now reveres amongst those of her patriot-martyrs—and many exiled for political offences from Great Britain and Ireland, were of this class. The machine-breakers from Dorsetshire, transported about 1833 for destroying mills, were generally as well-conducted men as emigrants of the same rank of life. These men had been erroneously led to believe that they would secure high wages by the destruction of machinery. They had been betrayed into these acts of folly and violence by mischievous leaders. From the stain of moral guilt, in its ordinary sense, they had been free before their arrival, and so they continued to the end. Most of them saved their little earnings during the period of their bondage, and not a few, on the expiration of their sentence, returned to England with a considerable amount of property.

“ Even in the class of the more depraved convicts transported for serious crime, the instances of a reformed

character were numerous and gratifying. London pick-pockets and convicts from Dublin, Liverpool, and the large towns of the United Kingdom, who, from their childhood upwards, had been brought up in ignorance, and had led lives of habitual crime, if not from principle, from obvious motives of interest in the prospect of becoming independant in a land of abundance, altered their course of conduct and became industrious members of society. They knew nothing on their arrival beyond the criminal practices in which they had been trained. Being men, however, not devoid of intelligence, they quickly acquired skill in some industrial pursuit during their period of service in the empyloyment of masters to whom they were assigned. The useful and not difficult arts of sowing and ploughing, and shepherding and herding cattle, they soon mastered. Many became rough mechanics, and quite adepts in putting up a hut and farm buildings, and constructing farm fences. Others acquired a knowledge of various works of handicraft. Some became excellent stone-cutters; many made hats from the fibre of the cabbage tree—a cooler covering for the head than the Leghorn or any other straw-plaited hat of European manufacture. These hats are universally worn in the colony (1863). In short, they all became acquainted with some useful art or pursuit by which they could earn an honest livelihood."

Among a certain class of the old emancipists, however, years ago, there existed no desire to bury all the past in forgetfulness. They had become so accustomed to the word "lag" during the days when two out of every three persons to be seen in street or field were emancipists or ticket-of-leave men, that they always appeared to take a pride in narrating incidents connected with their lives "in the public service." Take one instance which occurred in a country town in the

southern part of the colony, since rendered famous as the colonial home of an unsuccessful claimant to the Tichborne estates. An old identity, one of the pioneers of the district, was about to take his departure for England, and a banquet was given in his honour. Many old friends of the guest were present, and while they drank his health in champagne of the best brand they lavished sweetest flattery upon him. Under the influence of the sparkling wine one of the company, in particular, gave full play to his powers of oratory, and worked himself into a state of watery eloquence. With tears streaming, he mourned over the departure about to take place, which he exclaimed was more than a loss to the magisterial bench, to the district, to society, to the colony, to our nation ; it was also an irreparable loss to the world. Moreover, the orator considered that the mother country had, when their guest left it, suffered a loss which could never be balanced. Then, as a grand peroration, the eulogist made a fatal attempt to quote something *apropos* in poetry, vigorously giving, as far as his memory served him, the lines

Brave patriot he ; for be it understood.

He left his country for his country's good.

This burst of enthusiasm struck a kindred chord in the inflated breast of a Bacchanalian who was sitting amongst the audience and who, with an earnestness which carried conviction to all who heard him, bawled out, in a blast of words and whisky, "Right, ole fell-er-sh ; he was-sh lagged with me 25 years a-ago."

But there is none of this sort of thing now, and there has not been any of it for many years. The fathers were emancipated from the enforced service to which they had been condemned, and the children have been emancipated from the reproach of the stain of convictism—except in cases

where the taint breaks out afresh in viciousness that was inherited ; and the people of New South Wales to-day are as intelligent, as industrious, as honest, as morally pure, and as prosperous as any community under the sun. It is not often that evil things die early, and it is one of the marvels of the age that from a burthen of shame so deep, suffering so intense, and crime so black, Australia should in such a short space of time have struggled into a nation so thoroughly healthy, energetic and sound-hearted.

CHAPTER XXIV.—CESSATION OF TRANSPORTATION.

FIRST MOVEMENT MADE BY BOURKE—MAGISTERIAL AUTHORITY—PROTESTS AGAINST DISCONTINUANCE—ASSIGNMENT REGULATIONS—THAT SYSTEM ABOLISHED—HOUSE OF COMMONS COMMITTEE RECOMMEND CESSATION—A LOCAL COUNTER MOVEMENT—GOVERNOR GIPPS' ANNOUNCEMENT—FULL FREEDOM SETS IN—INTERESTING TABULATED RETURNS—GENERAL CENSUS—POLICE AND GAOLS—IMMIGRANTS—TRANSPORTATION TO VAN DIEMEN'S LAND STILL CONTINUED—THE AGITATION IN PARLIAMENT AND THE FIGHT OUTSIDE—MONSTER MEETING—THE ANTI-TRANSPORTATION LEAGUE ITS EFFORTS AND SUCCESSES—UNMISTAKABLE LANGUAGE—THE SYSTEM SWEEPED AWAY—THE STAIN WIPED OUT—THE COLONY OUTGROWS ITS ORIGIN—A GRAND FUTURE.

THE growth in numbers and wealth and influence of the emancipists was attended by an outreach towards freedom in every direction, and the efforts of this increasingly powerful class to secure the individual and communal rights and privileges to which they had been strangers since their arrest and trial in the old country, were ably seconded by the men who had voluntarily crossed the sea in search of fortunes. Reference has already been made to the struggles in which these men engaged in the days when

Darling and Bourke held the reigns of gubernatorial power. Those struggles were continued with more or less success until as a class the emancipists were recognised as an important portion of the body politic, having equal rights with those who had no record against them in the official books of either the old world or the new ; and as the time at last arrived when the British Government ceased to send convicts over the sea to the colony, under circumstances now to be shortly detailed, the unchecked operation of the regulations under which conditional and other pardons could be secured, together with the also unchecked operations of nature, death ridding the land of those who were not otherwise set free, ultimately delivered the colony from the reproach and the burden of convictism, and lifted the inhabitants into the condition of an absolutely free people.

The reform effected by Governor Bourke in the system of assignment was the first movement in the direction of abolishing transportation. This frank and generous man did more to alleviate the condition of the convicts under the system of slavery which obtained when he arrived in the colony than any of the Governors who exercised power while New South Wales continued a penal colony. As I have already shewn, when Bourke assumed the reins of government magisterial authority and masters' powers had reached their highest exercise in the direction of arbitrariness and cruelty. On the subject of the administration of justice at this period, Judge Therry, in his "Reminiscences" says:—"Much of the maladministration of the law may no doubt be attributed to the improper materials of which the magistracy at an early period was composed. Many of its members had been commanders and mates of convict and other ships and of small coasting vessels ; and the 'rough-and-ready-justice' of

the quarter-deck was transferred to the magisterial benches of New South Wales. Not a few were needy and selfish settlers, who sought to extort by the lash the *maximum* of labour from prisoners assigned to them. . . . At the period to which I allude, this magistrate of the territory—a high-sounding title—was a little magnate of the land. His powers were large and almost irresponsible, as far as related to his rule over the convict population. A facility for the abuse of it was afforded by a prevalent practice of entertaining the complaints of masters against their assigned servants in the private residences of magistrates, where they were exempt from public criticism. Justice in such cases was administered somewhat after this fashion: A person in the position of a magistrate had usually from thirty to forty convicts assigned to his service; his neighbour, a magistrate also, living about ten or fifteen miles distant from him, may have had about as many more. For the sake of illustration these magistrates may pass under the well-known names of Jones and Brown, whilst the convicts of each may, for our present purpose, be recognised under the generic name of Robinson. Well, on Monday, the day appointed for trial, Jones brings five or six Robinsons before Brown, on a charge of 'insubordination,' a grave offence, punishable by the lash, though of what constituted the offence of insubordination no legal definition has ever yet been given. It might mean anything:—sometimes a refusal to do double work; a hasty word; a look of dissatisfaction, or of constructive disrespect; whatever, in fact, Jones thinks fit to call insubordination. Brown decides to constitute the crime of insubordination. On being duly convicted in the parlour of Brown, nobody but the accused, the accuser, the witness under examination, and the judge, the latter usually concurring in the reasonable-

ness of this legal interpretation, five or six Robinsons are ordered to the triangle, to receive a flogging, from 25 to 50 lashes, after an interval of a few days, three or four times. On the following Monday, Brown in his turn brings a number of *his* Robinsons before Jones, who to preserve a consistency in judicial decision, awards a like punishment for like offences. On each Monday the Court (it was called a Court) being over, the accusing magistrate, Jones, shares the hospitality of the presiding justice, Brown; a few friends are invited to meet him, and a jovial evening is spent. *Vice versa*: On the following Monday, Jones in his turn becomes the dispenser of the lash, and the giver of the feast."

This was the state of things existing December, 1831, when Bourke arrived. His predecessor, Governor Darling, either had not the inclination or the power to remedy the evil. It was sufficient for him to prevent any extension of the system, for it is said that he resisted an application made by some magistrates and others, by petition, to increase the extensive powers of punishing which they already possessed. So we see that it was possible for even a Governor's conscience to be easily satisfied. But the Joneses and the Browns found a different man in Sir Richard Bourke. The true metal of manliness was heard to ring in his administration. He abolished parlour courts and swept away the whole system of mutual accommodation by white slave-driving magistrates in the interior, abridging the authority of single magistrates so effectually as to prevent the enactment of such a scene as that described by the author-judge, and checking the hunger for white slaves which consumed the men who were classed as "settlers." He framed and promulgated rules regulating the number of convict servants to which each settler should be entitled (without favor) and

the number of lashes which should be inflicted on a convict servant by a single magistrate : and his action brought him into high disfavour with the two classes of colonists against whom his repressive legislation was directed, and who had previously obtained as many servants as they chose to ask for, either as domestics or field labourers, at the mere cost of clothing and maintenance.

The new assignment regulations were published in April, 1834. The general principle introduced under them was that all male convicts, with the exception of those skilled in certain trades, should be assigned to masters in proportion to the land occupied by them under grant from the Crown, or through purchase or lease, such lease being for a term of which not less than three years remained unexpired, but no person was to receive convicts in respect to land upon which he should not reside or maintain a free overseer. The men were to be assigned according to a scale which, for 40 acres gave one servant ; for 100 acres, three ; for 200, four ; for 300, six ; for 400, eight ; for 640, or one section, ten ; for every additional 160 acres, not exceeding two sections, one ; for every additional section, two. Under this arrangement any man who held a maximum estate of 2,560 acres would receive for the first section ten men ; for the second section, four ; for the third section, four ; and for the fourth section, two—making in all twenty. The result of this new system of assignment was to destroy a monopoly under which the proprietors and lessees of large areas of land had been able to secure a disproportionate amount of the convict labour of the colony, to the prejudice of the smaller holders, to whom such labour, owing to their limited means, was of the greatest importance, and who put that labour to the best possible account. The enmity of the wealthier portion of

the colonists whose rule was thus broken followed Bourke to the last day of his residence in the colony, but it was powerless to injure him, and he received full compensation for all their insults and attacks in the hearty support accorded him by the more numerous class of liberals, who, with Wentworth at their head, recorded "their entire and cordial approval of the wise, disinterested, liberal, just, paternal and constitutional policy" which had marked his government.

In the latter part of the year 1837 a despatch was received by the Governor from Lord Glenelg directing him to discontinue the assignment of convicts, but immediate effect was not given to that despatch. In answer to inquiries from the same quarter at the same time, Governor Bourke stated that from 4,000 to 5,000 convicts might be profitably employed on public works in the colony, under the control of military officers and non-commissioned officers; but with characteristic wisdom he added, that if the abolition of the assignment of convicts were resolved on, it should without doubt be *gradual*, as the sudden interruption of the accustomed supply of labour would produce much distress. After events fully justified his recommendation.

About this time a Committee of the House of Commons was appointed to inquire into the system of transportation generally. Voluminous evidence was taken, and an exhaustive report was prepared and published. That report recommended that the sending of convicts to New South Wales and to the settled districts of Van Diemen's Land should cease as soon as possible; that for transportation should be substituted, both at home and in the colonies, imprisonment with hard labour; and that in future convicts should be sent only to settlements where there were no free people, and from which free people might be excluded; also, that convicts who

were punished abroad should be compelled to leave the settlement whither they had been transported within a reasonable time after the expiration of their sentence, means to that end being furnished them by the government.

Soon after the publication of this report in the colony (1839) a public meeting was held in Sydney, with a view of counteracting some of the recommendations contained in it. A petition to Parliament was adopted, praying that transportation might not be discontinued. The petitioners contended that this means of punishment, followed by the usual course of colonial discipline, particularly as connected with private assignment, was, if well regulated, the best penal discipline which could be devised, since it finally removed the convict from scenes and associations to which otherwise he might be tempted to return. They pointed out that in congregating the convicts together in large numbers, which would be the result if assignment were abolished, a spirit of fellowship was engendered which led the convicts to regard themselves as a distinct class, rendering them less fit, by this exclusion, to return to society after their sentences had expired; while assignment, by shewing the convict the contrast between his own position and that of the free servant, was productive of reformatory results, besides those which attended his removal from evil associations. They admitted that the penal system did not work so well as was desirable; but they thought that this was owing to a defective discipline, and not to any fault in the plan of management—the chief errors being that, on the one hand, there was occasionally an excess of punishment, and, on the other, frequently too much laxity of discipline. To shew the salutary effects of transportation as a general system of penal discipline, they referred to the preponderance of crime in France over that which prevailed

in England. As a proof that no contaminating effects followed from transportation, they urged that during the preceding seven or eight years the colony had undergone a great improvement in its morals; and having pointed out that convict labour enabled the colonists to pay for immigration, and so prevented the introduction of coolie labour, they prayed Parliament to postpone its final decision on the subject for twelve months.

In the latter part of the same year Governor Gipps received further intimation of the intentions of the Home Government, and reported that he had publicly announced the important fact "that transportation had ceased." The reader would only be wearied by the narration of the whole of the dry details of the proceedings immediately attending the discontinuance of transportation to the colony. It was for the authorities in the Colonial Office across the sea to advise and direct and act; it was for their servant the Governor in New South Wales to carry out their wishes; it was for the people of the colony to accept with as good grace as possible the decisions of the men sixteen thousand miles away who, until the principle of self-government began to work in the colony, exercised supreme control of public concerns at the Antipodes. And it is satisfactory to know that the people generally were favourable to the discontinuance of transportation. Those who sought, from motives of aggrandisement, to keep up the stream of convicts were not by any means numerous, and their effort to induce the Home Government to "reconsider the subject" was unsuccessful, as also was a subsequent attempt to assist that Government in the efforts to renew the system which was now abolished. Freedom in its fullest form set in in New South Wales towards the close of 1839—just fifty-one years after Governor Phillip landed on

the shores of Botany Bay with the first cargo of convicts—the last ship to discharge her chained felons being the *Eden*, which entered Sydney harbour in November of that year.

A few figures here, culled from decaying documents, shewing the numbers of convicts brought across the sea, may not prove uninteresting :—

From 1795 to the end of 1811 forty-six ships were employed carrying convicts to New South Wales, and the total number landed by them was :—men, 4,318 ; women, 1,840 ; of these 387 males and 40 females died on the voyage.

From 1811 to 1815, thirteen ships arrived, bringing 2,885 males and 588 females—total 3,473

During the years 1817-20, inclusive, 870 males and 496 females were transported.

The number of ships employed by the British Government in transporting convicts to New South Wales and Van Diemen's Land from 1789 to 1837 was 528, at an expenditure under the naval department of £2,786,910 *gs.* 7*d.*

The following is a return, as complete as can be gathered from the records, of the number of convicts transported to New South Wales from 1787 to 1841, when transportation to the colony practically ceased :—

Year.		Male.	Female.	Total.
1787		564	192	756
1789		994	245	1,239
1791		2,121	286	2,407
1792		314	54	868
1793		1	.....	1
1794		35	59	94
1795		153	201	354
1796		324	43	367
1797		287	94	381
1798		608	50	658
1799		257	50	307
1800		166	87	253
1801		944	184	1,128
1802		271	130	401
1803		494	136	630
1805		379	200	579
1806		195	106	301
1807		.....	97	97
1808		197	332	529
1809		197	121	318
1810		731	140	871
1811		573	99	672
1812		495	167	662
1813		819	119	938
1814		865	232	1,097
1815		1,103	101	1,204
1816		1,337	102	1,439
1817		2,038	190	2,228
1818		2,765	227	2,992
1819		2,904	226	3,130
1820		3,442	121	3,563
1821		2,639	291	2,930
1822		856	57	913
1823		651	119	770
1825		1,665	251	1,916
1826		1,715	100	1,815
1827		2,085	502	2,587
1828		2,341	371	2,712
1829		3,171	493	3,664
1830		2,781	444	3,225
1831		2,129	504	2,633
1832		2,753	381	3,134
1833		3,498	638	4,136
1834		2,704	457	3,161
1835		3,423	179	3,602
1836		3,156	668	3,824
1837		2,892	533	3,425
1838		2,740	333	3,073
1839		1,565	728	2,293
1840		2,113	461	2,574
1841		478	461	939
	Totals	70,928	12,362	83,290

Subsequently to 1840, the criminal stream which flowed into New South Wales was directed to Van Diemen's Land, which had now become the receptacle for nearly all the transported criminals of Great Britain. Each succeeding year increased the force of the vicious torrent thitherward, and in the space of four years—1841 to 1844 inclusive—no less than 17,000 convicts were landed there; the free colonists being far outweighed in numbers by the freed and the prison population. On January 1st, 1843, the total population of Van Diemen's Land amounted to 57,420 souls. Of these 20,332 were prisoners, the remaining 37,088 consisting of emancipists, children, and a reduced proportion of adult free colonists. During the two succeeding years—1843 and 1844—8,469 prisoners were added to the population. Transportation to Van Diemen's Land was continued until 1853, up to which period 67,655 convicts had been sent to that island, 56,042 being males and 11,613 females. From that period to 1868 convicts were sent only to Western Australia, that colony having received 9,718, all males. The total sent out to each colony therefore stands—

New South Wales—to 1841	...	...	83,290
Van Diemen's Land—to 1853	...	...	67,655
Western Australia—to 1868	...	...	9,718
Grand Total			160,663

A general census of the colony of New South Wales was completed during 1841, two years after transportation to New South Wales had ceased, and from this it appeared that the total population of the colony, including the province of Port Phillip (Victoria not being at that time a separate colony) was 130,856. Of these 87,298 were males, 43,558 females. There were 4,477 landed proprietors, merchants,

bankers and professional men; 1,774 shopkeepers and retail dealers; 10,715 mechanics and artificers; 12,948 shepherds; 9,825 domestic servants; and 72,317 persons not classified. The members of the Church of England numbered 73,725; of the Roman Catholic Church, 35,690; Presbyterians, 13,153; Wesleyans, 3,237; other "Dissenters," 1,857; Mahomedans and Pagan, 207. Of the male population 18,802 were married; and 66,366 single; of the female, 17,551 were married, and 26,007 single. Of the free males, 14,819 were born in the colony, 30,745 had arrived free, and 15,760 were free by servitude. Of the free females, 14,630 were born in the colony, 22,158 had arrived free, and 3,637 were free by servitude. Of the male prisoners, 5,843 held tickets of leave, 6,658 were in government employment, and 1,838 in private assignment. Of the entire male population, 3,707 were under two years of age; 6,633 were two and under seven; 6,306, seven and under fourteen; 6,045, fourteen and under twenty-one; 53,381, twenty-one and under forty-five; 7,212, forty-five and under sixty; 1,884, sixty and upwards. Of the female population, 3,967, were under two years of age; 6,581, two and under seven; 5,864, seven and under fourteen; 4,882, fourteen and under twenty-one; 19,513, twenty-one and under forty-five; 2,175, forty-five and under sixty; 576 sixty and upwards. The total population of the Port Phillip district was 11,728. Of these 4,479 resided in Melbourne, 3,241 in the county of Bourke, 1,891 in the district of Western Port, 454 in the Glenelg district, and 1,260 in the county of Normanby.

In a letter written by Mr. V. Dumas, Clerk in the Convict Department, Sydney, dated June, 1850, there appears the following passage concerning the 80,000 prisoners who had been sent to the colony:—"38,000 are now filling

respectable positions in life, and earning their livelihood in the most respectable manner. . . . Of the residue, death and departures from the colony will account for the greater part, and I am enabled to state that only 370 out of the whole are now undergoing punishment of any kind." He meant, of course, the punishment attaching to the offence for which they had been transported, for in a large number of cases, as we have seen, the first sentence was not always the last.

Simultaneously with the stoppage of transportation, there arose in the colony an agitation against the continuance of the system which had been established, and under which the whole cost of the maintenance of the police and gaols of the colony was cast upon the colonists. The residents in Sydney petitioned the Council and the Governor against such appropriation of the local funds, and prayed that one-half the expenses of police and gaols should be borne by the mother country, and the remainder met by a tax of £5 for all assigned convicts, mechanics and others employed in the towns, and £2 for all shepherds and others employed in rural and pastoral pursuits. Subsequently a motion on these grounds was brought forward in the Council, but it was not passed, the Conservative element in the only House of Legislature then existing being too strong for such a radical reform. Shortly after this the first well-defined movement on the part of the colonists to secure representative government was made, but that subject cannot be dealt with here.

The regimental force in the colony was considerably reduced on the discontinuance of transportation. Instead of two regiments, stationed previously in Sydney, the staff of one regiment and three or four companies were found sufficient for military purposes. The large commissariat

establishment was also greatly reduced; and Sydney assumed more the appearance of a "city of civil inhabitants." The change spread to the country, and long before the evil of convictism disappeared from public view, that other evil of militaryism had died, never more to be revived. A large body of trained policemen were brought from Manchester and Birmingham to the colony, and these did better service as preservers of order under the new conditions of life than ever red-coated soldiers could do, under moustached, epauletted, military martinets.

The interval between 1840 and 1846 was not marked by any very striking event necessary to record in a narrative dealing, as this does, simply with the convictism of the colony; but many important movements were initiated, the trend of which was in the direction of still greater freedom, and commercial and political elevation. The already large free population was supplemented by a steady stream of men, women and children whose names had not been enrolled among gaol records and whose voyage across the sea was not the result of a sentence of transportation issued by judicial lips. During the latter part of Governor Gipps' administration extraordinary efforts, which it is not requisite should be here described in detail, were made to swell the population by the importation of people from Great Britain and Ireland as immigrants, and during the six years following the cessation of transportation about 50,000 immigrants were brought to New South Wales at the colony's expense, the funds to defray that expense being chiefly drawn from the proceeds of the sale of the public estate.

Two months after the arrival of Governor Fitzroy there was a revival of the Anti-transportation question. The Governor received a despatch from the new Secretary of

State for the Colonies, Mr. Gladstone, in which there occurred the following passage:—(While her Majesty's government were desirous to lessen the number of convicts, annually sent to Van Diemen's Land, they were also disposed to doubt whether, even independent of any regard to the state of things in that colony, it was to be desired that the absolute exclusion of transported convicts from New South Wales should continue.) In another part of the despatch the promise which had been made by the Home Government that no more convicts should be sent to New South Wales, was referred to as merely a "report." "You are aware," wrote Gladstone to the Governor, "that the practice has been, for some years past, to exclude New South Wales from the sentence of transportation passed in this country, and that this practice is *commonly reported* to rest on nothing less than a promise from her Majesty's Government, made in or about the year 1839, that transportation to New South Wales should cease." Although this document was marked "Private and Confidential," Fitzroy laid it before the Legislative Council, and that body, being composed of nominee and elected members who for the most part were men who had made or were making fortunes through the cheap labour afforded by the convict system, manifested a disposition to assent to the proposal of the Colonial Office. On the motion of Mr. Wentworth a select committee of the Council was appointed "to inquire into and report upon the despatch of the Secretary of State for the Colonies to Governor Sir Charles Augustus Fitzroy, of date 30th April, respecting the renewal of transportation." That Committee brought up an exhaustive report, in which, after referring to the fact that New South Wales was subject to the "indirect inundation of convictism" through the continuance of

transportation to Van Diemen's Land, they set forth their conclusions in the following words:—"This being the true state of the question raised for the decision of the colonists and the House, by the despatch under consideration, the committee had arrived at the conclusion that the only safe alternative left to the colony was to accede to the proposition, that a modified and carefully regulated introduction of convict labourers in New South Wales, or into some part of it, might, under existing circumstances, be advisable." And in anticipation of their report being adopted and acted upon, they submitted certain conditions which they proposed should form part of the arrangements by which the scheme should be carried out. Amongst these were the following:—(1). That the transportation of male convicts should be accomplished, as a simultaneous measure, with the importation of an equal number of females—these to consist of female convicts, so far as such existed, and the balance to be made up of female immigrants. (2). That as a further simultaneous measure, such transportation should be accompanied with an equal importation of free immigrants, as nearly as possible in equal proportion as to sexes. (3). That the wives and families of all convicts receiving permanent or temporary indulgences should be brought to the colony, and be reckoned as part of the free immigration. (4). That no less than five thousand male convicts should be annually deported to the colony. (5). That convict establishments, properly so called, such as Norfolk Island, Cockatoo Island, gangs of criminals under colonial sentences, and so on, should be maintained, as heretofore, at the cost of the British Treasury. (6). That two-thirds the expenses of the police, gaols, and the criminal administration of justice, should be paid by the home government; but that on the relinquishment of the land fund

and all other revenues or droits of the Crown to the appropriation of the governor and Legislative Council, the whole of this branch of the convict expenditure should be assumed by the colony, with the view to aid the British government in defraying the cost of the free immigration stipulated for in the conditions. The Committee also recommended that no system of management should be introduced thereafter by which the convicts would be aggregated in masses, and also, as a consequence of the preceding recommendations, that the assignment system should be renewed with increased carefulness.

But the Governor and the Council were not the people, neither did they represent the people; and the colonists out of the House, who had just begun to recognise their power, and who guessed what the decision of the conservative slave-owners in the Council would be, determined to have some say in the matter, which was of such vital interest to them. The 22nd October, 1846, was rendered memorable in the annals of Colonial History, as the date upon which the first anti-transportation meeting was held. Mr. (afterward Sir) Charles Cowper presided at that meeting, and two of the principal speakers were Mr. Charles Campbell and Rev. John McEncroe (afterwards Archdeacon). The following resolution was unanimously adopted:—"That this meeting has heard with the deepest feeling of alarm and regret that it is proposed to renew the system of transportation to this colony, and they cannot conceive any circumstances under which such a measure would be desirable or justifiable;" and so strong and general was the opposition to a return to convictism that in four days no less than seven thousand signatures to a petition to the same purport were obtained in Sydney. Copies of this petition were sent into the country

districts and were numerous signed. On the very day that the Report of the Committee was brought up this petition was presented to the Council, but a motion for printing it was negatived, and the Council prepared to transmit the report of their Committee to the Home authorities. But the anti-transportationists were nothing daunted by this autocratic rebuff. They immediately called another meeting and adopted a memorial to the Governor, setting forth all the facts which had transpired in reference to the matter, and praying his Excellency to transmit official copies of the petition to England, and to use his influence to prevent the colony being again made a penal settlement. In reply to this the Governor said:—"He would forward the memorial, as well as the petition, to her Majesty's Ministers at the earliest opportunity. He could use no influence, however, for he had none in the matter. His duty was to report, as impartially as he could, all that he could ascertain respecting the opinions of the colonists. They might rest assured, however, that the Government did not wish to force transportation on the colony against the wishes of the colonists, and that Mr. Gladstone's despatch was written in good faith." We shall presently see how very impartial was the report of Sir Charles Fitzroy—the "descendant of the King."

Then followed a short space of quasi-tranquility—each party waiting to see the results of its representations. The "revivalists" held two meetings for the purpose of making a demonstration in favour of transportation, but at each condemnatory amendments were carried, although the pro-transportationists found a strong argument in favour of the position they had assumed in the scarcity of labour which existed in the colony, owing to the withdrawal of the convict

servants from the market. But the colonists were prepared to make large sacrifices to maintain that freedom which they had enjoyed for a short season. They contended that the scarcity of labour was far and away the least of the two evils, the convict system being an evil of such magnitude, and fraught with so much peril to the moral and social well-being of society, that nothing but an inordinate love of money could induce anyone to look upon it without horror and disgust. The residents at Port Phillip, who were then beginning to agitate for separation from New South Wales, also took the matter up. Anti-transportation meetings were held, at which protests were entered against the introduction of criminals in any form or on any terms into that district, and a memorial to the Legislative Council against the proposal of the Secretary of State was unanimously adopted, the petitioners contending that if the revenue from the sale and lease of lands was properly applied there would be no lack of labour, as a steady stream of emigrants of the desired sort would set in, sufficient to meet every demand. Shortly after this (in May, 1847), the Council assembled, and the Governor announced in his speech that he had recommended to her Majesty's Government the immediate resumption of immigration to the amount of five thousand statute adults, the first ship-load of which he expected would arrive towards the close of the year.

In the month of August, Mr. Cowper revived the question of transportation in the Council by moving a resolution to the effect that the House "disapproved of the principles and recommendation of the report of the Committee appointed on 13th October of the preceding year, respecting the renewal of transportation to the colony, and desired to record the expression of its opinion that a return to the

system of transportation and assignment was opposed to the wishes of the community, and would also be most injurious to the moral, social and political advancement of the colony." Then the public opinion which had been so vigorously expressed proved its potency. The Council by a majority of eleven to seven passed the resolution, and the way was prepared for the colonists to take further steps in the direction of consolidating freedom. They petitioned the Council, praying that immigration should be carried on to a still larger extent than was spoken of in the Governor's speech, and a Committee of the Council having in a report subsequently presented strongly urged the importance of reviving immigration on a large scale, the Council adopted a series of resolutions based upon that report, setting forth the following facts and propositions:—That there existed an urgent demand for labour, that this demand was daily increasing, and was more pressing than any that had been experienced at any former period; that the colony presented the means for the immediate employment and advantageous settlement of twenty-thousand persons in the next twelve months, and that the territorial revenue afforded ample security for even a larger sum than it was necessary to expend in introducing that number; that it was desirable that a loan of one million, secured on the territorial revenue of the colony, and guaranteed by the Imperial Parliament in accordance with the precedent established in the case of Canada, should be raised in England for immigration purposes; and that, failing to secure such guarantee, the Council approved of the plan which had been proposed for the issue of debentures secured on the territorial revenues, in payment of immigration.

At the next meeting of the Council, in March, 1848, the Vice-regal speech contained one short reference to the

transportation question. "Connected with the supply of labour to the colony," said his Excellency, "he would also cause to be laid before the House a despatch from the Right Honourable Earl Grey, setting forth the terms upon which her Majesty's Government would be disposed to send out exiles and ticket-of-leave holders, to be subsequently followed by their wives and families; and by a number of free immigrants, equal to the number of such exiles and ticket-of-leave holders, all to be forwarded at the expense of the British Treasury. This proposal was made subject to the concurrence of the Legislative Council, and accordingly he recommended it to their early and attentive consideration."

At the very commencement of the session, Wentworth, who, with his party, was still burning with anxiety to taste afresh the pleasures of "bossing" prison servants, submitted the following resolution concerning this new phase of convictism:—"That the despatch of the Secretary of State of the 3rd of September, 1847, having been submitted for the consideration of the Council, the House was disposed to co-operate with the Home Government in carrying out the scheme of reformatory discipline indicated therein, so far as it related to the reception and employment in this colony of the classes of exiles holding conditional pardons and tickets-of-leave, on the terms in the said despatch mentioned, namely, that in all cases the wives and families of such exiles, together with a number of free immigrants equal to the number of such exiles, should be sent out at the cost of the British treasury. The Council, however, urged, as a point of the greatest importance to the complete success of the measure, that the wives and families of the exiles should accompany rather than follow their husbands and parents, so that the evils arising from the large aggregation of males within the narrow compass of a

vessel, and almost necessarily in a state of idleness, might be avoided, and the beneficial tendencies of the first stage of their probationary career on their arrival in the colony might not be needlessly endangered by a severance of domestic ties no longer necessary for the purposes of punishment. The Council would further urge that, through the whole progress of this combined deportation and immigration, due care should be taken to maintain as far as possible the equality of the sexes, so as to prevent a recurrence of those evils which were allowed on all hands to have been the worst feature of the late system of transportation." It is not surprising under the circumstances then existing, labour being so scarce while the demand for it was increasingly great, that the proposal to send such convicts only as would be already partly free men, having with them wives and families, and with them also an equal number of immigrants, should meet with favour in the Council, and after a short debate Wentworth's resolution was carried, and a copy of it ordered to be presented to his Excellency for presentation to her Majesty, for the information of her government.

Thus matters remained until January, 1849, when the anti-transportation agitation was renewed with ten-fold vigour. A despatch from the Secretary of State let the colonists into the secret that the slave-driving party had forwarded a petition in favour of the renewal of transportation direct to the Imperial Government, and that this petition had been sent away simultaneously with the obnoxious report of Wentworth's Committee, in 1846. The Secretary of State answered the petitioners through the Governor, and intimated that the petition should have been transmitted through him, at the same time informing them, however, that he had laid the petition "at the foot of the throne." The

indignation of the colonists at this piece of underground engineering had barely time to find expression before another despatch, bearing on the same subject, was received, and the transportation question was brought to a crisis. The despatch purported to be explanatory of the views and intentions of her Majesty's Government on the subject of convict discipline and transportation, and referred to the willingness of the Legislative Council to receive prisoners of the Crown, accompanied by immigrants, sent out at the cost of the Home Government. The Secretary of State informed the Governor that he had thought of abolishing transportation altogether, and readily acknowledged that after what had already taken place on the subject her Majesty's government could not, without the assent of the colonists, refuse to provide for the conveyance of an equal number of free immigrants if convicts were sent at all to New South Wales. "But," the Secretary continued, "on further consideration of the despatch of the Governor, and looking at the urgent want of labour, as explained through various means of information, and the great usefulness of convicts previously trained under the system of punishment now adopted in England, he was led to the conclusion that the colonists of New South Wales would prefer, to the entire abandonment of the measure proposed, the receiving a moderate number of immigrants, sent out without charge to the colony." After referring to another despatch which had been sent to the Governors of the other colonies explaining the terms on which it was now proposed to send convicts abroad, the statement was made that "if the Legislative Council of New South Wales agreed to receive convicts on those conditions, her Majesty's Government would continue to send there a portion of those whom it would be necessary to

remove from the country ; if not, another destination must be found for them." The cunning secretary meant to break the news gently, and having proceeded so far, explained that "As so much delay would be occasioned in sending to the colony labourers who were urgently wanted, if he were to wait for an answer to this dispatch, before any measure for the carrying the arrangement into operation were adopted, he proposed at once advising her Majesty to revoke the Order in Council by which New South Wales was made no longer a place for receiving convicts under sentence of transportation ;" but his Excellency was given to understand that it was not intended to send to New South Wales any convicts but such as were considered to be deserving of tickets-of-leave on their arrival, and to be also calculated to become useful as labourers in the colony. As an inducement for the colonists to agree to this arrangement, it was proposed to make the convicts so sent out repay the cost of their passage to the colony, the fund so created to be applied to the purposes of free immigration. The meaning of the official rigmarole was made plain by the following sentence at the close of the despatch :—"In the expectation that for these reasons the reception of convicts under this arrangement would not be unacceptable to the colonists, the *scheme would be acted upon till an answer to this despatch was received* ; but if it should then appear that the colonists objected to receiving convicts on these terms, no more would be sent, and her Majesty's Government would apply to Parliament for such a grant for free immigration to New South Wales as, with the repayments of convicts previously sent, would be sufficient to send out an equal number of free settlers."

This was, perhaps, one of the most remarkable documents that ever emanated from the office of the Secretary of State,


although at that time it was the manufactory of remarkable documents. The colonists received the news with marks of profoundest astonishment and unbounded indignation, in which many of the advocates of transportation joined, and they were not long in seeking to give expression thereto. They denounced the conduct of the Secretary of State in strongest language, and declared that they would not have convicts now sent to the colony on any terms. A great anti-convict demonstration was held in the Victoria theatre, at which the Mayor presided and Charles Cowper, Robert Lowe, and Dean McEncroe delivered stirring addresses, the following comprehensive series of resolutions being adopted:—"That this meeting, having considered the despatch of the Right Honourable the Secretary of State for the Colonies to his Excellency Sir Charles Fitzroy, of date 8th September, 1848, in which, taking advantage of the remote situation of the colony, his lordship has announced his intention, without waiting for an answer from the colonists, of forcing on the community transported felons, in direct violation of the pledge contained in the despatch of the 23rd September, 1847, namely, that in any arrangement for sending convicts to New South Wales, her Majesty's government were prepared to afford facilities to the wives and families of convicts to join them, and that means would also be provided for sending out at the cost of the British treasury a number of free immigrants, equal to that of such offenders, resolves—(1.) That as the Colonial office has so unscrupulously broken faith with the colonists, not only in this matter, but also in reference to the compact made during the administration of Sir Richard Bourke, as to the police and gaol expenses and territorial revenue, this colony peremptorily refuses to receive the offenders of the mother country, whether under the name

of convicts, exiles, or any other designation, upon any terms whatever; (2.) that the colonists of New South Wales, in public meeting assembled, desire to express their astonishment and indignation at the avowal made by the Colonial Minister, of a deliberate intention to break a specific pledge, upon the plea of temporary financial difficulty. . . . (3.) that this was not the first instance which the colonists have had to complain of a breach of solemn engagements entered into with the colony by the Colonial Office, and that a repetition of such treatment was calculated seriously to compromise the permanency of those relations between the colonies and the mother country which it was so desirable to maintain; (4.) that his Excellency the Governor be requested in the event of a ship arriving in the harbour with convicts, to send such vessel back to England; (5.) that his Excellency the Governor be respectfully requested to call the Legislative Council together without delay in order that the despatch of the Secretary of State might be laid before them for consideration." A petition to the Queen was then drawn up and adopted, in which the protests made by the colonists in former years against convictism were recapitulated, and the statement made that the petitioners "felt bound, humbly, but firmly, to represent to her Majesty that it was their duty and their determination, by every legal and constitutional means, to opposed the revival of transportation in any shape."

Similar petitions were prepared in Bathurst and all the principal towns of the colony, and the agitation became very widespread and earnest. In Port Phillip, also, the question was discussed, and as Fitzroy just then was paying a visit to Melbourne he was importuned to use his authority and influence to preserve the southern districts from being

made subject to the curse of further convictism. During 1847 two or three shiploads of exiles had been landed at Melbourne, and found ready employment among the residents. His Excellency promised that he would strongly remonstrate with the Home government against convicts being sent to Port Phillip, and in order that none should land there in the meantime he gave the superintendent authority to forward to Sydney any that might arrive. As soon as Fitzroy returned to Sydney he was interviewed in reference to the promise he had given to the Melbourne folk, and said he had given it because he saw that there would be great difficulty in disposing at Port Phillip of a shipload of convicts, sent out with a promise of tickets of leave; and he assured the deputation that there was no desire on the part of either the Imperial or the local government to continue transportation, even in the modified form proposed, unless such a measure met with the concurrence of the colonists. He promised, further, to make such representations "as would have the effect of causing any measures which were in progress for sending out convicts to the colony to be suspended until he should have been enabled to place the Secretary of State in possession of the deliberate opinion of the Legislature on this subject."

Shortly after this the Legislative Council assembled, and in his opening speech the Governor said that he had lost no time in transmitting to the Secretary of State a full report of the demonstration which had been made by the colonists on the transportation question, with a request that any measures which might be in progress for sending out convicts should be suspended until he was enabled to place his lordship in possession of the deliberate opinion of the Council on the subject; he, therefore, invited the House to give the matter,



with all promptitude, attentive consideration. Within a week thereafter Cowper moved "That an address be presented to the Governor respectfully requesting that he would not cause any convicts, destined by her Majesty's Government for the district of Port Phillip, to be brought into the middle district, also that his Excellency would be pleased to prevent the dispersion of any convicts who might arrive in the harbour of Port Jackson through the distant districts of the colony, where there was no means of exercising a proper discipline over them, and where their presence must be injurious, in every point of view, to the immigrant families now proceeding thither." (It is worthy of remark that in his speech the Governor had informed the Council that since the resumption of immigration in 1848, no fewer than fifty-four immigrant ships had arrived in the colony, bringing out 13,161 souls, and seven additional ships were then on their way). Cowper's resolution was defeated by Macarthur moving the previous question, which was carried by sixteen to nine, the majority being for the chief part composed of the nominees, including six government officers, while eight of the minority were representatives of the people. This fact gave emphasis to the movement that was under weigh among the colonists for securing a larger degree of free government. Subsequently Cowper moved another resolution, referring to Earl Grey's despatch, "That the Council declined to accede to the proposal therein contained for the renewal of transportation, and strongly protested against the adoption of any measure by which the colony would be degraded into a penal settlement; and that the Council would earnestly entreat her Majesty's government to be graciously pleased to revoke the Order in Council by which the colony was again made a place to which British

offenders might be transported." That resolution was carried without dissent, and for once the Council voiced the sentiments of the colonists.

The agitation outside still continued. The Sydney people had determined upon making a grand demonstration on the arrival of the first convict ship which had been sent out with the fresh batch, and in the month of June that demonstration took place, when the "Harkaway" arrived with 212 male convicts on board. The ship arrived in the harbour on the Friday, and on the Monday following an immense meeting was held at the Circular Wharf, about 5000 persons being present, including the leading merchants and shopkeepers, who had closed their establishments in order to be present. Amidst pouring rain stirring speeches were delivered, and a protest against further transportation was adopted. The grounds of that protest were thus succinctly set forth—Firstly, because it is a violation of the will of the majority of the colonists, as clearly evidenced by their expressed opinions on the question at all times; secondly, because numbers among us have immigrated on the faith of the British Government, that transportation to this colony had ceased for ever; thirdly, because it is incompatible with the existence of a free colony, desiring self government, to be made the receptacle of another country's felons; fourthly, because it is in the highest degree unjust to sacrifice the great social and political interests of the colony at large to the pecuniary profit of a fraction of the inhabitants; fifthly, being firmly and devotedly attached to the British Crown, we greatly fear that the perpetration of so stupendous an act of injustice by her Majesty's government will go far towards alienating the affections of the people of this colony from the mother country. "For these," said the people, "and for

many kindred reasons, in the exercise of our duty to our country, for the love we bear our families, in the strength of our loyalty to Great Britain, and from the depth of our reverence to Almighty God, we protest against the landing again of British convicts on these shores." It was afterwards resolved "That it is the urgent request of this meeting that the local government do send the prisoners arrived in the 'Harkaway' immediately back to England, and, if necessary, at the expense of the colony."

A deputation was then appointed to wait on the Governor with the protest and resolution, with a request that his Excellency would forward them to the Queen. The deputation proceeded to Government House, but found the gates leading to the vice-regal residence closed. After some parleying with the sentry six of the deputation were admitted and they were then informed that they must forward a copy of the protest and resolution to the Governor and wait upon him next day. This was done, and the Governor next day informed the deputation that he would lose no time in forwarding the protest to England, but that it was impossible for him to have the "Harkaway" sent back to England with the convicts. One member of the deputation was proceeding to express regret that his Excellency could not return a more favourable answer, when Fitzroy discourteously cut short the conversation and gave the deputation to understand that vice-regal ears could not listen to any discussion.

Subsequently another monster meeting was held at which resolutions to be embodied in a petition to the Queen were passed, praying her Majesty to remove Earl Grey from office, and affirming that it was indispensable that the government of the colony should no longer be administered by a remote,

ill-informed, and irresponsible colonial office, but by ministers chosen from and responsible to the colonists themselves, in accordance with the principles of the British constitution. Another resolution was passed censuring the Governor for the discourtesy shewn to the former meeting and its deputation, and the mover of that resolution stated that a body of mounted police were quartered in the Governor's stable and that the kitchen of Government House was filled with soldiers—ready to take action against the populace should his Excellency think interference was necessary. The friends of the Governor subsequently presented an address to him in which they applauded his conduct and expressed their "unshaken confidence in his Excellency's administration."

The quarrel between the Governor and the anti-transportationists waxed hotter and hotter. His Excellency stood upon his dignity, and the colonists stood upon their rights; but no definite action was taken on either side until about August, 1850, when a copy of a despatch sent by Fitzroy to the Secretary of State, giving an account of the two famous Circular Quay meetings was received in the colony and published. That account was characteristically one-sided and untrue. Fitzroy described the gentlemen who had taken part in the meeting as persons "who had no stake or interest in the community," said that the actual attendance at the meetings did not exceed hundreds, and assured his lordship that the question of the resumption of transportation had been seized "by a small faction whose influence only extended to the mob of Sydney, as a pretext for wantonly insulting his lordship, and passing a vote of censure on himself (Fitzroy)."

As soon as this document had been made public an "in-

dignation meeting" was held, attended by over 4000 persons, and addressed by Messrs. Robert Campbell, Henry Parkes, George A. Lloyd, Rev. Dr. Fullerton and others. A series of resolutions to be embodied in a memorial to the Queen were passed declaring that his Excellency had grossly misrepresented facts of public notoriety, traduced the character of a large majority of the colonists, betrayed the interests of the colony into the hands of its enemies, and that the despatch testified Fitzroy's incapacity and unworthiness to fill the responsible office of governor of the colony. The meeting also earnestly prayed her Majesty to remove Sir Charles Augustus Fitzroy from his position as Governor, and reiterated the opinions embodied in the resolutions passed at the previous meetings, that the Government of the colony should be administered by ministers chosen from, and responsible to, the colonists themselves. Some of the speakers were unsparing in their denunciations of Fitzroy's conduct, and one of them referred in very plain terms to the laxity of morals which characterized the social life of his Excellency and his two sons, and which had brought the high office he held into disrepute. Of this speaker (Mr. Edward Flood) the Governor demanded an explanation, but not receiving any reply he wrote to Flood and denounced him as "a liar and a coward." Flood proceeded against Fitzroy in the Police Court, but the friends of the latter mustered strongly on the Bench and dismissed the case. These magistrates "dearly loved a lord," and it was natural that they should shelter him from the attacks of a plebeian, even at the sacrifice of a large lump of magisterial honour and purity. Then other of Fitzroy's friends outside, to the number of twenty-five, held a meeting and passed resolutions justifying his conduct and denouncing the action of the anti-transportationists as "low vituperation

and unfounded attacks"—the outcome of the "passions and prejudices of that excited and anarchical element of the population which, if it were allowed to gain the ascendancy, would uproot in the colony the foundation of property and order." Wentworth, who was one of the leaders of the pro-transportatists, presided at this meeting.

A period of considerable excitement and unrest followed, but the colonists as a body were determined that their object should not be defeated by official chicanery or gubernatorial fooling, and they continued the agitation with a determination that could not be shaken. In September of the same year they held another mass meeting in Barrack Square, Sydney. Six thousand persons attended, and addresses were delivered by gentlemen representing every section of the community, chief among them being Archdeacon McEncroe, Rev. Dr. Ross, Rev. Joseph Beazley, Rev. W. B. Boyce, and Messrs, Norton, Campbell, Holden, Lamb, Mort, Piddington and Weeks. An elaborate memorial to the Legislative Council was adopted, referring to the breaches of faith on the part of the Secretary of State, and praying that the Council would not refrain from giving their most uncompromising opposition to the introduction of convicts into New South Wales, under any name, conditions, or circumstances whatsoever. Resolutions were also passed sympathising with the indignation of the people of Van Diemen's Land at the continuance of the system there beyond the period when the Imperial Government had promised it should cease, and pledging the meeting to co-operate with their brethren in Van Diemen's Land in every exertion to procure the final cessation of transportation.

Similar meetings were also held in all the chief centres of population in the colony, in Melbourne and in Van

Diemen's Land, and the "New South Wales Anti-Transportation League" was formed. This unanimity of public feeling, this solid organization and well directed effort of moral resistance, could not fail to make itself felt. And still the agitation spread and strengthened. A meeting of delegates was held in Melbourne early in 1851, the new colony of Victoria having been just previously proclaimed amidst much rejoicing, and a General League was formed, covering the whole of the colonies, and imposing upon its members the following obligations:—(1.) Not to employ any persons who might thereafter arrive under sentence of transportation for crimes committed in Europe; (2.) to use all the powers they possessed, official, electoral, and legislative, to prevent the establishment of English prisons or penal settlements within their bounds—to refuse their assent to any projects to facilitate the administration of such penal systems, and to seek the repeal of all regulations, and the removal of all establishments for that purpose; (3.) to support with their advice, money and countenance, all who might suffer in the lawful promotion of this cause. At a public meeting subsequently held a subscription was commenced with the view to raising a League fund, the maximum being fixed at £20,000, and at the meeting thirty-one persons, chiefly heads of mercantile firms, put down their names for one hundred guineas each. What greater proof of earnestness in any cause could be desired? And upon what more solid ground could appeal for relief from a degrading burden be based than the following—indicated in a series of resolutions passed at a meeting of the League held in Sydney, after the delegates had returned from Melbourne:—(1.) That amongst the blessings which religion had bestowed on the world, it had placed the intercourse of mankind upon a basis of established

duties—duties which were not less binding on nations than on individuals, and that of these there was not one of greater obligation than the duty of man towards his neighbour; (2.) that the inundating by Great Britain of these colonies by the crime of the empire was not only a violation of the duty which men owe their neighbours, but was destructive of those charities which it behoved the parent state and her offspring to cultivate and cherish towards each other; (3.) that the meeting accorded their deepest sympathy towards Van Diemen's Land, and recognised in her admitted wrongs, her promised relief, and in the cruel violation of that promise, additional incentives to increased exertion; and they appealed to their fellow subjects throughout the empire, and entreated them by their discretion as men, by their compassion as philanthropists, and by their consciences as Christians, to put an end to the system of transportation to Australia: (4.) that as parents they were bound by every obligation of duty and affection to protect their children from the dangers incident to the transportation of offenders to these colonies, and they united in a solemn appeal to the humanity and justice of the Sovereign and people of Great Britain on behalf of the rising generation.

The Anti-Transportationists were still in the heat of conflict when an event occurred which was destined to completely revolutionize colonial life in all its relations and interests, namely, the discovery of gold in the vicinity of Bathurst. The news quickly spread, and being confirmed by the exhibition of nuggets and dust of the precious metal in Sydney, a rush at once set in across the mountains to the region where the discovery had been made. The story connected herewith, and of the marvellous transformation wrought by the finding of the precious metal in other

localities in the West, will be given in its proper place, when in Part V. of this History the "Rise and Progress of the West" is being dealt with. I only mention it here for the purpose of referring to its importance as a factor, in once and for all setting the question of transportation at rest. As one early historian shrewdly observes:—"To continue transportation to Australia now would be to hold out a premium for the commission of crime. Hundreds of men, in every part of the United Kingdom, would not hesitate to undergo a brief period of punishment in order that they might find themselves settled in a country where gold was to be found by the hundredweight. Then, in a country where the attractions of the gold-fields influenced, more or less the entire population, what guarantee was there that, in the general confusion, or, at all events, during the turmoil consequent on the discovery of some unusually rich mines, or during a fierce political contest, so likely to arise out of the new condition of the colony, prison discipline might not be entirely destroyed, so as to let loose in the colony the gangs of villains and desperadoes who might fill the gaols, barracks, and stockades? The Minister who, under these circumstances would seek to perpetuate transportation would indeed deserve the severest reprobation which language could convey, if, indeed, he met with no more positive punishment."

During the few months that the question was allowed to remain in abeyance, thousands of free persons were attracted to the colony, anxious and eager to make rapid fortunes in the "land of gold," and these joined the colonists in their struggle for the maintenance and extension of that freedom which was to become their greatest glory. In July, 1851, the receipt in the colony of a speech delivered by Earl Grey in the House of Lords, based upon a petition from the inhabitants

of Van Diemen's Land against transportation, galvanized the League into excited activity. In that speech Earl Grey, referring to the alleged promise of the Imperial Government that transportation should be brought to a close, while not denying that some of the despatches to the colony might be so interpreted, contended that no man could read them as a whole without perceiving that, from first to last, "it was the view of the Government that while the greater part of the sentence of transportation was to be inflicted at home, it was always to form a part of the system that convicts, after having undergone a large portion of their punishment in England, should afterwards be removed to the Australian Colonies." As a proof that the sending out of convicts who had undergone part of their sentence at Portland and Pentonville had worked well, he said that of 1618 prisoners sent out between 1st June, 1849, and 30th April, 1850, having tickets-of-leave, there were only 40 whom it was found necessary to punish, and in those cases the offences were of a minor character. He then proceeded:—"They had been trained in England to useful labour, and had proved an acquisition to the colony. The inhabitants of New South Wales, when they calmly viewed the working of the system, would, he was persuaded, see it for their interest that convicts should be sent to some parts of that colony. He admitted that convicts ought not to be sent to Sydney, Melbourne, or any other of the more considerable towns, or even to the more thickly-peopled country districts; but they might be sent, with immense advantage, to those large tracts of country which were now becoming covered with sheep, and he hoped the Legislature of New South Wales would come to that conclusion. . . . He hoped the colonists of New South Wales would not be so blind to their own true

interest and the interests of their country, as to refuse the receiving of convicts."

A meeting of the Australasian League was immediately held, at which Cowper, Parkes, Josephson, Wright, Norton, Kemp, Campbell, Archdeacon McEncroe, and others delivered addresses, and at which a petition to the Queen was adopted. After giving a brief history of previous proceedings, the petitioners referred to the case of Van Diemen's Land, and pointed out that as all the colonies were closely connected by all the ties which create a community of interest and feeling, the shock of oppression extended far beyond the surface on which it was inflicted. Said they:—"New South Wales, South Australia, Victoria and New Zealand, had all a direct and awful concern in the issue of this question. Sending convicts to Van Diemen's Land was but as a pause in the career, and the sacrifice of that colony increased the common danger. Her Majesty would judge, therefore, with what feelings the inhabitants of the Australian colonies looked forward to the arrival among them annually of thousands of persons who had spent, on an average, seven and a half years in the condition of convicts, and amidst almost exclusively convict associations. The petitioners had still entertained the hope that Earl Grey would have received the reiterated decision of the constitutional representatives, to await which decision he himself professed that the revocation of the Order in Council was alone deferred, as a conclusive reason for a complete change in his policy regarding transportation; but this last hope had been painfully dispelled by the language used by his lordship on 15th March, 1851. And the petitioners were compelled at length, humbly, but firmly, to represent to her Majesty in person that the subterfuges, evasions, equivocations, and

breaches of faith practiced towards those colonies by Earl Grey had unhappily destroyed all confidence in his lordship's administration of colonial affairs.

“ They further represented that they were most solicitous that their honour and happiness should be compatible with the continuance of their present political relations with the mother country, and the very constitution of their League prohibited the use by them of other than moral means ; but they would not disguise from her Majesty the persuasion that what was lately but a grievance was ripening into a quarrel, and their opinion that the continuance of transportation in opposition to the united resolution of Australasia leagued together against it, would peril the connection of these colonies with Great Britain, and jeopardise what a wiser policy might long retain, the brightest jewel of her Majesty's Crown. They submitted, lastly, that when the oppressions even of the supreme authority threatened desolation, men were not to be reasoned out of the feelings of humanity, nor would they consent to sacrifice their dearest interests for the sake of a scrupulous adherence to those political maxims and principles which were originally established only to preserve them. Wherefore they besought her Majesty that in order to continue the happy connection of these colonies with Great Britain, and to secure the present affectionate allegiance of the colonists to her Majesty's person and government, her Majesty would be graciously pleased to dismiss Earl Grey from her councils, and to command her Ministers to redeem the honour of the British Crown, by fulfilling and maintaining inviolate the pledges touching transportation, which had been repeatedly given by her Majesty's Ministers in her Majesty's name to the colonies of New South Wales and Van Diemen's Land.”

In the new Legislature, two months afterwards elected, the subject was brought prominently forward, and the following series of resolutions were passed for transmission to the Imperial Government :—“(1.) That the Council having had under consideration the despatch of Earl Grey to his Excellency Sir Charles Fitzroy, of date 10th April, 1851, and having again deliberated on the whole question of transportation, re-affirmed the decision of the late Council that no more convicts ought, under any circumstances, to be sent to any part of the colony. (2.) That the grave objections hitherto urged against the continuance of transportation to the Australian colonies derived increased weight from the recent discoveries of productive gold-fields, which having been found so widely distributed throughout New South Wales and Victoria, might also be reasonably expected to be developed in the neighbouring colony of Van Diemen's Land. (3.) That the Council, therefore, convinced that the transportation of criminals from the United Kingdom would entail on the colonies, and more especially on New South Wales, the most serious moral and social evils, and would be wholly inefficacious as a secondary punishment, protested against its continuance, in any form whatever, to any part of her Majesty's Australian possessions.”

A week or two afterwards Fitzroy forwarded to the Council a copy of a despatch which he had just received from the Secretary of State, enclosing the revocation, so far as New South Wales was concerned, of the Order in Council of 4th September, 1848, appointing places to which felons and other offenders might be conveyed. This message was received by the House with cheers, and the cheers were re-echoed by the colonists as soon as the news was made public; but the victory was not yet won, as Van Diemen's

Land was still open, and the people were banded together to free the whole of the Australian colonies from the stain and curse of convictism. It was in December, 1851, that this revoking Order in Council was transmitted by Fitzroy to the Legislative Council.

Subsequently it became known that Earl Grey had expressed his determination to a Victorian delegate to continue transportation to Van Diemen's Land, and on April 6th, 1852, a meeting of the league, presided over by Cowper, was held, at which the following resolutions were passed:—

(1.) "That so long as Van Diemen's Land continued oppressed by transportation, all the other colonies of Australia are bound by sympathy and generosity, as well as impelled by self-interest, to aid in her deliverance from this clinging curse, and this meeting solemnly pledges itself to unite and assist the Tasmanian colonists in their efforts to obtain its entire abolition." (2.) "That this meeting records its warm expression of admiration and respect for the patriotic representative members of the Van Diemen's Land Legislature in the noble stand which they have taken in this important and vital question." (3.) "That the determination avowed by Earl Grey to the Victorian delegate, Mr. King, on the 25th November last, to persist in transportation to Van Diemen's Land, and to separate Moreton Bay from New South Wales for penal purposes, in breach of his repeated promises, demands the indignant reprobation of this meeting, and they accordingly bind themselves by all they hold dear and sacred to resist to the utmost an oppression so desolating, bravely, solemnly protesting that the responsibility of all the consequences will remain with the oppressor." These resolutions were embodied in an address, to be presented by the President, in the name of the meeting, at a conference

which was about being held in Hobart Town, Tasmania.

Eighteen representatives attended this conference, Mr. Cowper, the president of the League, attending as the delegate from New South Wales. The whole question was discussed during a session extending over several days, and among other things it was decided to prepare a petition to the Queen embodying the solemn decision of the whole of the Colonial Parliaments upon the subject, and to advertise their proceedings and remonstrances in the British press, which had been advocating the cause of the colonists. Two months later the citizens of Sydney were called together to receive Mr. Cowper's report of the proceedings, and that gentleman, in summing up the account of his mission, said:—"Their friends were prepared to try every constitutional means of obtaining redress, but at the same time they were resolved to shew that they were in earnest. They were determined, under every circumstance, to be rid of this withering curse of convictism. What might be the results of the peaceful and constitutional means they used was a question he would not enter upon. They would, at all events, leave no means untried, by remonstrance and argument to convince those with whom lay the decision of the justice of their claims."

Cowper having narrated fully what had taken place at the Conference, the meeting adopted the following resolutions:—(1.) That the meeting cordially welcome the president of the League on his return from the conference at Van Diemen's Land, and beg to convey to him the expression of their thanks for the gratifying manner in which he has accomplished his mission. (2.) That they acknowledge with gratitude the firmness and moral courage evinced by the Executive Council of the colony in reminding Earl Grey of his Lordship's pledge, which, in their opinion, no less than

in that uniformly maintained by the Australasian League, precludes his sending convicts to Moreton Bay without a manifest breach of faith, and deeply regret his lordship, instead of feeling indebted to the Council for their honest warning, should have endeavoured to avoid its application by an unmeaning interpretation of his former language. (3.) That the resignation of office by Earl Grey was a matter for congratulation, both to the colonists of Australasia and the Queen's Most Excellent Majesty, and the meeting records its solemn conviction that the penal policy of that Minister was sowing the seeds of disloyalty throughout these territories, and alienating the affection of her Majesty's subjects. (4.) That the meeting, while solemnly denouncing the continuance of transportation to any of these colonies, as incompatible with the permanence of British rule in Australasia, earnestly protest against their language being represented as that of wanton defiance, or of anti-British feeling, prompted as it was by the deep consciousness that in this case the sense of oppression was impressed on the whole of these feelings, which, as a Briton's noblest heritage, gained strength amongst the colonists; and that if the fatal alternative should continue to be thrust upon them, of choosing between British connection in name, and an unsullied British character in fact, the dictates of principle and the onward course of events must, before long, lead to the preference of the latter, at any sacrifice."

There was no mistaking language such as this, coming as it did from a people who, having tasted slavery in its bitterest form and been partially relieved therefrom, panted with agonized longing for absolute release from the chains which still held them bound to an accursed system. Simultaneously they were reaching out towards that

constitutional liberty which was to make them a self-governing nation, and relieve them from the incubus of political and social establishments which, though paternal because they were British, were yet in an important sense distinctively foreign, inasmuch as they were formed by a Power which ruled simply for the sake of wringing from the people an allegiance that was valuable only on account of the money it brought into the treasury, the keys of which it held. At this very time the initial movements were made towards securing to the country the absolute and inalienable right of responsible government, freed from Crown nomination and class ascendancy; and it is a rather remarkable fact that in the very year that transportation to the colonies was actually abolished Wentworth and Thomson proceeded to England as a deputation charged with the mission of securing for the new Constitution Bill which had been passed the favour of the Imperial Parliament and the Government. And thus the year 1854 became memorable in the annals of Australian history as the time when freedom in its fullest sense came to the birth.

One of the last despatches from the Secretary of State, received in May, 1853, contained the following cheering passage:—"Her Majesty's Government were unable to resist the force and justice of those remonstrances which emanated from the Legislature and a large portion of the people of the three colonies, and in pursuance of the announcement made in the speech from the throne at the commencement of the present Session of Parliament, they proposed *altogether to discontinue transportation to Van Diemen's Land*, at as early a period as might be consistent with the completion of arrangements which were indispensable for bringing to a close a system which had been so long in operation."

Before the end of that year the colonists received with joy the intelligence that the thing was done—that the relief for which they had been sighing and fighting had come—that the British Government, under the strong force of popular remonstrance and threat, had abandoned the demoralizing work of “creating a profligate nation, and by continual fresh supplies making and keeping it from generation to generation the most hopelessly corrupt community the sun ever shone upon.” In more than one sense this act was the sealing of freedom in Australia.

CHAPTER XXV.—CONCLUSION.

HENCEFORTH the Australian colonies should be free to work out their own destinies, unhampered by an Imperialism that recognised no higher use for them than a common moral rubbish heap, upon which could be shot the criminal scum and refuse of the old-world gaols. No longer would Australia be described, as Archbishop Whately in his famous address in the House of Lords, in 1840, described it—"a stronghold and seminary of wide-spreading and moral corruption;" for by the abolishment of transportation the springs of that moral corruption were dried up; and the new sources of national life which had been opened by the people themselves have proved sufficient in their strength and purity to at once satisfy every internal moral need and sweep away every vestige of that corruption, which had been imported, and which had been nursed and nurtured after importation, by a system of militaryism which was as heavy a curse as the system of convictism with which it was associated, and which it did not long outlive.

It has taken time to wipe out the stain. Nearly forty years have elapsed since the self-governing Australian Colonies (Western Australia is still governed from Downing-street) ceased to receive as compulsory residents men and women condemned to transportation for shorter or longer terms by the judges of the mother country; but as some of those who crossed the sea in custody were comparatively young, here and there an occasional "old hand" is to be seen, who still bears the scars, moral and physical, inflicted

while subjected to the "discipline" which in its best days was both bloody and brutal. I have known a few of these "relics of the past," and not a little of what I have written has been the result of friendly interviews with them, the information supplied, in almost every instance, having been subsequently put to the test of comparison with official records, a few of which are still in existence, they having escaped destruction in the fire which was prepared, under authoritative orders, to receive them. But apart from these isolated cases, these few age-marked records, and an occasional rusty anklet or chain in the lumber yards of the older prisons, very few traces of the system are now to be found.

The breaking down of colonial-made legal barriers between the emancipists and those who set themselves up as superior beings to whom only social and public privileges should be extended, and who were distinguished for many years by the sobriquet of "Pure Merinos," was the first step towards the establishment of that equality which made individual and communal effort powerful in lifting the colony clean out of the degraded and degrading position which it was compelled to occupy as a penal settlement. And when the pernicious convict system and the equally pernicious military system were abolished, the work of self-elevation became comparatively easy. The distinction between the two classes died out even before the "old hands" on either side were removed from the scene; and before their descendants had stepped into their places no stranger, basing his judgment upon the manner in which the rules of correct living was observed in any department of life in which representatives of both classes were to be found, could have distinguished between them. Under the operation of benign

laws, made by a liberty-loving people for their own guidance, aided by the opening up of extensive fields for profitable labour on wonderfully productive soil, there was a marvelously sudden dying out of criminal propensities, where such existed, and a correspondingly marvellous growth of those virtues which tend to make individual and communal greatness.

The old days of evil were forgotten in the presence of the new days of good. Those who had once worn the convict dress and eaten convicts' fare, by steady continuance in well-doing won for themselves positions of honour, and their former offences being blotted out they were received in the ordinary walks of life as men amongst men, their characters as well as their fortunes being in their own keeping. In the course of time the line dividing the emancipists from those who had come to the colony as free men was entirely obliterated, and as one after another of the "old hands" on either side disappeared their places were filled by the "sons of the soil," about whose coming and going their neighbours did not concern themselves, provided that industry, honesty, purity and truth were preserved in their daily life. In the necessary commingling of the different classes no descendant was banned because of ancestral wrong-doing; neither was any man's worthlessness sheltered by the shadow of his father's worth. Whatever of praise and glory was attained was won by individual exertion, and shame and condemnation were only cast upon the actual wrongdoer. Each person was judged, as far as possible, according to that person's merit or demerit, and although colonial society was not one whit purer than any other mixed community governed by laws of civilization, it became in a short time marvellously free from vice, the proportion of the criminal population of the colony, after transportation had ceased, being less than that of older

and more favoured civilized communities.

All things considered, the change which has taken place in the mother colony of the Australian group since the announcement was made from Government House, Sydney, by the representative of Her Majesty, that "transportation has now ceased" has been nothing short of the marvellous. New South Wales has nothing to be ashamed of, but a great deal whereof to boast, and although her patriotic citizens cannot, if they would, ignore the fact of the colony's original penal character, they can challenge anyone to point to any community under the sun whose history exhibits such stirring and romantic incidents, or which furnishes such instances of rapid growth and solid advancement in the direction of ripe nationhood. It was surely in the spirit of prophecy that the poet Thomas Campbell sang of New South Wales, more than sixty years ago, on seeing emigrants about to embark for the New Land :

Untrack'd in deserts lies the marble mine,
Undug the ore that 'midst the roof shall shine ;
Unborn the hands—but born they are to be—
Fair Australia that I shall give to thee.
Proud temple-domes, with galleries winding high,
So vast in space, so just in symmetry,
They widen to the contemplating eye,
With colonnaded aisles in long array,
And windows that enrich the flood of day.

It is no part of my task to trace in detail the leaps and bounds which New South Wales has made during the half-century that has elapsed since the bird of freedom began freely to move its wings. Another must take up that work and describe more fully the increase of population, the spread of settlement, the building of cities, the extension of railways, the establishment of industries, and the extra-

ordinary success which has waited upon undaunted enterprize and skilfully directed energy. Suffice it for me to say that in material progress New South Wales stands without a peer ; while its social life exhibits one of the greatest and grandest reformatations that has ever transpired on the face of the earth. From being a huge unwallled gaol, into which some of the worst of the criminals of Great Britain were cast, it has passed into a free and prosperous community, havng completely outgrown its origin and utterly effaced the traces of it ; and as the last of those old-time traditions and vested interests which make for individual rather than communal good are abandoned or swept away, more bright will shine its lustre as a gem in the British Crown, or as the head of a great political confederation of sovereign and independent states among the nations of the earth.

Men of small minds may refer to early Australian history with a sneer, but no sneer will be able to detract from the merit which belongs to those by whose efforts the colony was lifted from the condition of moral darkness and degradation which has been imperfectly depicted in this "Story of the Convicts," to the condition of social, commercial, and political distinction which it enjoys in this year of grace, one thousand eight hundred and eighty nine.

MARVELLA

—THE—

NEW,

TRUE, AND

ONLY

➤❧ CURE FOR ❧➤

NEURALGIA

~~~~~

MARVELLA is not a “cure-all;” it is simply a marvellous cure for Neuralgic pains. It is taken inwardly, with a little water, and almost instantly quietens and soothes the nerves.

~~~~~

Price, 2/- per Bottle, of all Chemists.

~~~~~

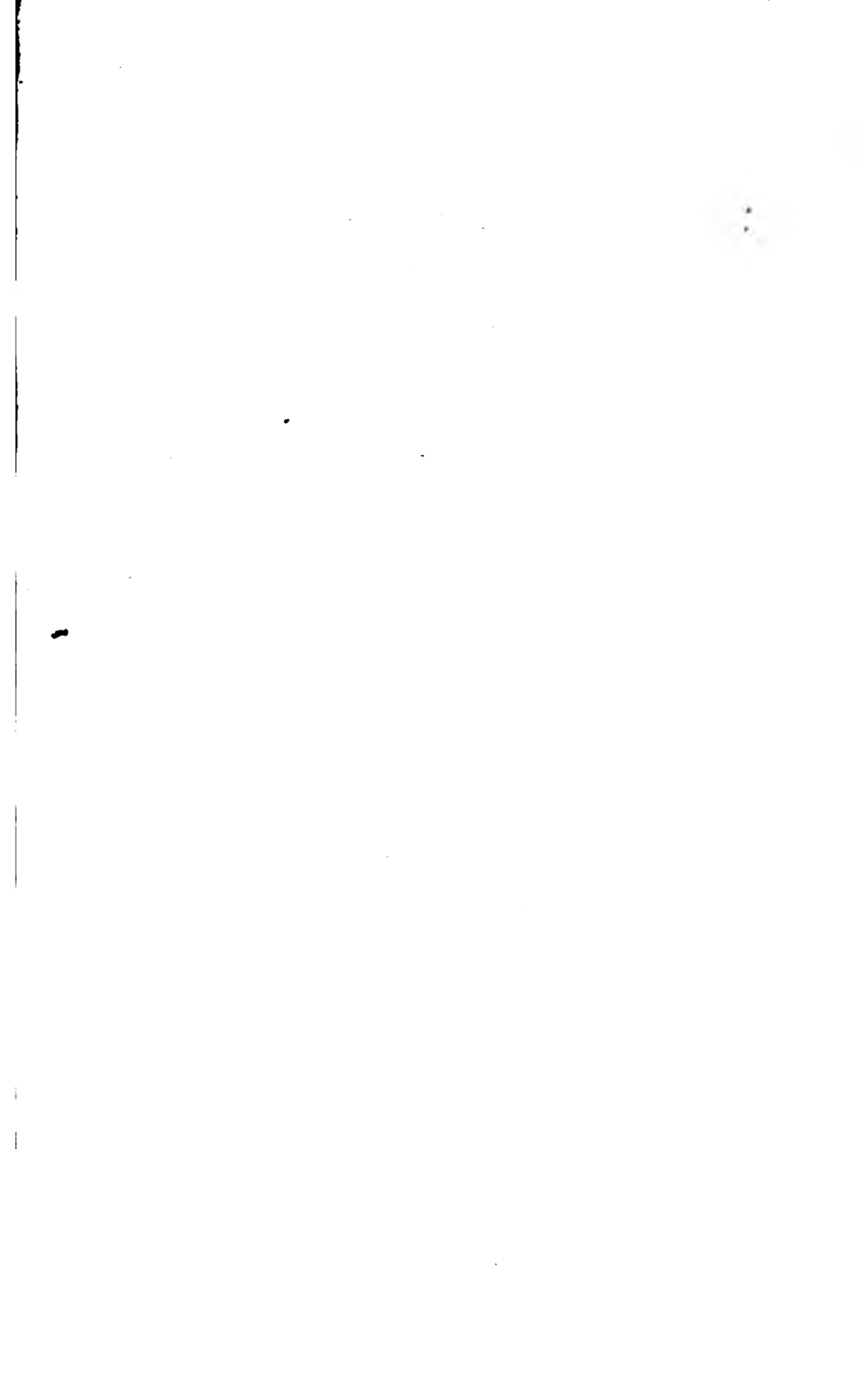
WHOLESALE AGENTS IN AUSTRALIA:

❧ AUSTRALIAN DRUG COMPANY (Limited), SYDNEY. ❧

PROPRIETORS:

HALL & BOND, LONDON.

G. S.









**AN INITIAL FINE OF 25 CENTS  
WILL BE ASSESSED FOR FAILURE TO RETURN**

|                                  |   |   |
|----------------------------------|---|---|
| LOAN PERIOD 1<br><b>HOME USE</b> | 2 | 3 |
| 4                                | 5 | 6 |

**Books may be Renewed by calling 642-3405.**

[illegible]

© 1995

YB 34543

GENERAL LIBRARY - U.C. BERKELEY



8000314109

21

32

707

1/3

UNIVERSITY OF CALIFORNIA LIBRARY

